

## REGISTER OF THE LAND OFFICE

William Riddell, of Montana, to be register of the land office at Billings, Mont., vice Harry W. Hill, term expired.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate May 21 (legislative day of May 12), 1936*

## BOARD OF TAX APPEALS

SAMUEL B. HILL to be a member of the Board of Tax Appeals.

## DIPLOMATIC AND FOREIGN SERVICE

Stuart Allen to be a secretary in the Diplomatic Service.  
Harold M. Collins to be a secretary in the Diplomatic Service.

## POSTMASTERS

## NEW YORK

Wilmarth J. Tuthill, Goshen.

## NORTH DAKOTA

Eureka H. McDougall, Cleveland.  
Lloyd Lopic, Lankin.

## PENNSYLVANIA

Norman B. Gregory, East Stroudsburg.  
Christian A. Jansen, Essington.  
Charles C. Bernd, Red Hill.

## TENNESSEE

George N. Fuller, Collegedale.  
John O. Bennett, Troy.

## TEXAS

Louise W. Fisher, Burton.  
Andrew F. Hester, Donna.  
Arthur B. Hobbs, Edgewood.  
John Richard Folkes, Giddings.  
Norman Charles Schlemmer, Kyle.  
Andrew B. Johnson, Marlin.  
Rudolph J. Marak, West.

## VERMONT

Alice G. Sheehan, North Troy.  
James P. Gilfeather, West Rutland.

## HOUSE OF REPRESENTATIVES

THURSDAY, MAY 21, 1936

The House met at 12 o'clock meridian.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Lord and our God, we are glad of life because it gives us the joyous privilege of loving, of working, of playing, and of looking up at the heavens, which declare the glory of our All-Father. We pray Thee to let us feel that there is in the heart of the Almighty One a place for every human experience and for every wandering, wavering, and unstable child of earth. Do Thou pour Thy redemptive energy into the hearts of men; quicken their intelligence, deepen their understanding, and stimulate their habits. As we go forth to duty, let our hearts know no fear but that of wrongdoing and our minds no anxiety but an earnest desire to toil faithfully for the good of our country. Through Christ our Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

## COLLECTION OF REVENUE ON INTOXICATING LIQUORS

Mr. SNELL. Mr. Speaker, the Chair yesterday, on the bill H. R. 9185, appointed on the minority side as conferees Mr. TREADWAY and Mr. CROWTHER. The gentleman from Massachusetts [Mr. TREADWAY] is obliged to be out of the city on important business, and he requested me to suggest to the Chair that the gentleman from Ohio [Mr. JENKINS] be appointed as a conferee on the minority side.

The SPEAKER. Without objection, the resignation of the gentleman from Massachusetts [Mr. TREADWAY] will be accepted, and the Chair will appoint the gentleman from Ohio [Mr. JENKINS] as conferee on the minority. The Clerk will notify the Senate thereof.

THE UNITED STATES CONSTITUTION—IT CANNOT SAFELY BE SUPERSEDED, AVOIDED, OR DISREGARDED

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered before the Vermont Association in Boston on February 8, 1936.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, under leave granted to extend my remarks in the RECORD I include the following address which I delivered before the Vermont Association in Boston February 8, 1936:

(NOTE.—In the matter of change the people must be consulted. The Constitution should not be changed by the Supreme Court. It should not be changed in Washington. The people made it. They and they alone can unmake it. They can create; so also they can destroy; but I insist that the creation, the destruction, or the alteration must be the work of the people. It must be an expression of the will of a steadfast and decisive majority which has had ample time for full consideration of all that the destruction or alteration or amendment does involve.)

Responsibilities are privileges. It is a tremendous responsibility that rests on the shoulders of the American people and their representatives—this job of making the world safe for democracy. The fundamental article in the creed of American democracy, call it the fundamental dogma if you like, is the unchanging and unchangeable resolve that every human being, every individual shall have his opportunity for his utmost development—his chance to become and to do the best he can. Democracy is not only a system of government—it is a scheme of society.

Upon those of us who comprehend just the beginnings of all that democracy stands for, and may mean, rests the responsibility of bringing our neighbors to a realizing sense of the blessings that are theirs and an appreciation of the fact that there are commensurate responsibilities for each one to assume.

"Liberty," said President McKinley, "is responsibility, and responsibility is duty; and that duty is to preserve the exceptional liberty we enjoy within the law and for the law and by the law. God grants liberty only to those who love it and are always ready to guard and defend it."

Responsibilities? Yes, but they are not burdens! They are privileges to be enjoyed with a deep sense of satisfaction and appreciation of what it means to be and to exercise the prerogatives of an American citizen. We count our blessings too lightly, underestimate the value of our citizenship, and take too much for granted.

St. Paul said he was a citizen of no mean country. The Romans challenged the world with the slogan, "I am a Roman." What then should be the attitude and state of mind of every American when he takes time to consider the vastness of the domains, the type and multitudes of peoples, and the wealth of all kinds over which fly the Stars and Stripes of his country today. To no man or woman in the long history of mankind and the story of the world conquest in the rise and fall of nations has it ever meant so much as it now means to you and me to be able to say, "This is my own, my native land."

The greatest problem of the day and generation in which you and I live, the greatest question that confronts us, or has confronted us for some time, perhaps since slavery; the question before which all others shrink into insignificance is this: What shall we do with the indifferent citizen? Or to put it another way: What will the indifferent citizen do to the Republic? America has settled some tremendous questions, but as she settles this one, right or wrong, so shall the future of the American Republic be determined, so shall it stand or fall.

"These are altogether extraordinary years," says Mr. Martin, "years of preparation for a new era toward which we grope more or less in the dark. We do not know what it will require of us. We do know out of our experience that we should go armed to meet it, but armed not so much with martial weapons, though they may still be needed, as with faith in humanity, consecration on our report to the cause of all mankind. We are working in these days partly, no doubt, to save our own skins, but chiefly for posterity. The world that is in the making now is the world of generations to come. Those of us whose years are fairly full will be lucky if we see even the beginning of it. How long it will take to get it going is guesswork, but we think that if we do not dissipate it all the little children of our day have a prospect of coming into a great inheritance.

So, ladies and gentlemen, fellow Vermonters, and friends, here in that cradle of American liberty eternally made unforgettable by Lexington and Bunker Hill and Faneuil Hall, in the time that is left me I propose as a Vermonter and an American citizen vitally interested in the welfare of my State and country and its people, concerned with respect to the record of accomplishment our generation shall leave for posterity to ponder, impressed with the

thought so aptly expressed by Homer that "He serves me most who serves his country best"; conscious of the responsibility that rests on us to make the most of our opportunities and to do the best we can in no partisan spirit (although it is true that he serves his party best who serves his country best), but with all the seriousness and power I can command I propose to direct your attention to the heritage that is ours, to your ideals as true Americans, to the end that we may renew our faith in the fundamental principles of American Government, recognize our duties and obligations to ourselves and our Nation, and show the respect that is overdue to those who gave our Nation its very life.

Probably the wisest group of men who have gathered in modern times met in the Constitutional Convention that drafted the Constitution of the United States. They knew their times. They knew the history of the era upon which the times were founded. They knew their country and dictatorship, with which they were altogether too familiar; and on the other to protect themselves against anarchy and a disorderly government, thus to secure the blessings of liberty for themselves and their posterity.

Over and over again they wrote into their fundamental laws and declarations, as did our Vermont forbears, the challenging statement that frequent recurrence to fundamental principles, a strict adherence to justice, moderation, temperance, industry, and frugality are absolutely necessary to preserve the blessings of liberty and keep government free. The checks and balances they made a part of the governmental structure they erected, if observed and followed, will continue to guarantee the perpetuity of the Nation they created and will preserve the safety of the countless millions who now and in the days to come shall seek and be entitled to the protection it affords.

I am not an alarmist, but I am concerned that the permanency of our national life and its integrity are involved in some of the governmental policies we are asked to countenance and approve. I am sure that the preservation of our liberties and the perpetuity of our form of government is the tremendous stake at issue, and which must be met. The questions confronting us are too momentous and serious to be the football of partisan politics. They transcend all questions of tariff or trade agreements; strike at the very root of all our American institutions. They are steps toward a change in our form of government. Do not minimize or forget it. This is the issue involved. The vibrant issues of the present, whatever they may be, can be faced to better advantage by us if we have, in good faith, studied how the people of the Nation and their chosen leaders faced the so-called dead issues of the past.

Those wise men, the makers of our Constitution, called their new government a republic, and were correct in so doing, for such, of necessity, was its form. Let us not forget for a moment, however, that they knew they were establishing a democracy and an independent nation. This fact was constantly and everlastingly present in their minds.

If you will study the Constitution and the debates which led up to its adoption, you will find that these forefathers of ours did not attempt to set any barrier in the way of the popular will. They sought to and did put effective obstacles in the path of sudden action impelled by popular passion, whim, or the excitement of the moment.

Every end they sought to accomplish or had in view was for the establishment of a democracy with a strong government, but of paramount importance was that it must be safe as well as strong—freed from the peril of lapsing into autocracy on the one hand or into disorder or anarchy on the other. They came here to undertake to do just what they did, and that was to establish a government in which the will of the people must be supreme. They made it so.

One of the fundamental rules and guides they followed was to make sure that it was the real will of the people that ruled. To this end they undertook to make it certain that there should be abundant time for discussion and consideration of measures, means, and policies in order that the public mind could and should be thoroughly and well informed.

Of course, we must idealize the real if we would realize the ideal, but facts must be faced as facts. We may well keep our wagon hitched to a star, but we must keep our feet on the ground. The times call for practical men; practical ideas.

Times change and conditions with them. New times and new conditions must be met by and with the action and legislation they demand. As all wisdom did not die with our forefathers, so also it is true all wisdom was not born yesterday. Yet not a single new question arises but involves some one or more of the oldest theories of government. History repeats itself, and the experience of the ages is always a safe guide.

It has been well said that never before in the history of our country has it been so necessary for every citizen to exercise intelligently the rights of citizenship. Our country is faced with a crisis more serious than any depression; by a question more basic than unemployment, prices, or heavy debts. The continuance or the discontinuance of the freedom we have enjoyed, the loss of liberties that are ours, the abolition of the traditional American order, the absolute change in form of our established Government under our written Constitution and our laws is the issue that confronts us.

The next time we as citizens cast our votes in a national election we shall be voting not for a man, not for a party, not for a remedy nor any group of remedies, but for or against the American form of government. The sooner we realize this the better it will be for all concerned.

We shall have to decide whether our political procedure is to rest upon a basis of democracy or dictatorship; whether our economic order is to rest upon private enterprise or political management; upon a basis of broadly balanced powers or of highly centralized bureaucracy.

It has been aptly stated that no price we may be called upon to pay to prevent the death of democracy will be too high a price, for with all its weaknesses, which are admittedly many and manifest, democracy is, in the long run, both safer than and superior to a socialistic or communistic state or to dictatorship. We should think twice before we follow the lead of Soviet Russia, Fascist Italy, and Nazi Germany. They have made no progress comparable with that which we have accomplished. Centralization of authority in the government never has been durable and never will be. Let us make no mistake. The charter of our Government has not been invalidated by the changed circumstances the years have brought. Grounded on sound principles of government, it may be adapted to changing circumstances but cannot safely be superseded, avoided, evaded, or disregarded. In it is found the result of mankind's attempt to find a workable compromise that will keep power centralized enough to achieve efficiency without tyranny and keep power decentralized enough to achieve freedom without anarchy.

It is a far cry back to the days of the Plymouth Colony, and Jamestown, but the fundamentals have not changed; fads and fancies have danced their little day on the stage and made their exit into oblivion. The realities remain. The early settlers of America bequeathed to their descendants certain institutions, customs, manners, and opinions which are essential to and have contributed most successfully to the permanency of our democratic form of government.

De Tocqueville says that when he contemplates and reflects upon the consequences of their primary acts he "sees the destiny of America embodied in the first Puritan who landed on these shores." These hardy pioneers out of their experience proclaimed principles undoubtedly scorned, rather than unknown, by the nations of Europe, which were and have been accepted as the creed of a great people.

Whatever history may teach with respect to the beneficent effects of paternalism and centralization in other countries and under other forms of government, we of the United States of America must oppose the further extension of both; must rely for the perpetuity of our institutions upon the functioning of the local governmental unit, for if experience teaches us anything, we must already have learned that John Fiske spoke truly when he said that "the preservation of local self-government is of the highest importance for the maintenance of a rich and powerful national life."

The centralization tendencies in government, ever growing more pronounced, have fastened their tentacles around the surviving representative of the most nearly perfect democracy ever created. The paternalistic state is cooperating to help strangle its child. The question which confronts you and me is, Shall we stand idly by as accessories both before and after the crime?

During recent years there has grown up a theory wholly at war with American principles of constitutional government, and that theory is: When an emergency exists, or when Congress and the President declare an emergency to exist, this in some way enlarges the power of the Congress and the Executive under the Constitution. It is further contended that the courts are justified under such circumstances to consider matters other than the terms of the Constitution itself. This theory has been argued and urged in several cases, but the Supreme Court has held that it was bound by the terms of the Constitution. It has declared again and again, in effect, that it would sustain in the fullest measure all powers which the people had written into the Constitution, but the Court has repeatedly declared that it did not feel justified in wholly disregarding the language of the Constitution. A decision of the Court based upon the theory that the Court could consider anything other than the terms of the Constitution itself would create a complete judicial oligarchy. It would leave the question of the extent of power to the determination of those exercising power—a complete definition of despotic power.

In rejecting the doctrine that an emergency justifies a disregard of the plain terms of the Constitution, the Supreme Court announces no new doctrine. Sixty-nine years ago a man, a civilian, as you and I, was tried by military court and sentenced to death. He appealed to the Supreme Court, claiming that under the Constitution he was entitled to be tried by a jury. The argument was made that the great Civil War was an emergency of such a nature that the Court would be justified in disregarding the provisions of the Constitution which guarantees the right of trial by jury. The Court rejected this vicious doctrine, saying: "No doctrine involving more pernicious consequences was ever invented by man than that any of its provisions (the Constitution) can be suspended during any of the great exigencies of the Government. Such a doctrine leads directly to anarchy or despotism."

If any such power is to be given the Court or to the Congress or to the Executive, let those who urge that such powers be given, come forward with a proposal in the way of an amendment to the Constitution. A change of this stupendous moment should not be made by the Court through strained and unnatural construction, or by the Congress through disregard of its constitutional obligations.

In the matter of the change the people must be consulted. The Constitution should not be changed by the Supreme Court. It



should not be changed in Washington. It should be changed by the people alone. You and I, our family, our friends—we, the people—in this country of ours are more important than our instrument, Government. Government should be made to serve us rather than dominate us. The State, which is man's own creation, exists for the sake of us, of our people, rather than as some would have us believe, that we exist for the sake of the State.

The people made the Constitution, the people can unmake it if they so see fit; they can create, so also they can destroy, but I insist that the creation, the destruction, or the alteration must be the work of the people. It must be an expression of the will of a steadfast and decisive majority which has had ample time for full consideration of all that the destruction or alteration or amendment does involve.

If all the checks and balances, all the carefully devised safeguards to protect us are to be swept away, disregarded, discarded, or suspended by dictatorial decree or nonobservance, or lack of respect, then we need no Constitution at all!—This instrument acclaimed "the greatest charter of liberty ever drawn."

We need to wake up! And we may as well be told first as last that our lives, our liberties, and our property are at stake, and upon us rests the responsibility for the final decision with respect to what we shall do to protect them all.

Constitutional government moves too slowly to suit some people who wish to convert it into an instrument for the quick satisfaction of their own desires, or to attempt to legalize operations which may be either beneficial or harmful to the people. This subject of the liberty which was granted to us under the Constitution, is one which whatever people may say is not to be treated lightly. The Constitution is a declaration of principles, not to be altered by the whim of a moment or suspended or circumvented by executive, bureaucratic, judicial, or legislative act. Any other attitude with respect to the Constitution of the United States may and will lead to nothing less than a complete revolution in our system of government.

President George Washington, in his Farewell Address, said: "If, in the opinion of the people, the distribution or modification of the constitutional power be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield."

You cannot make me believe that when they see where they are headed even the stress of economic necessity or any alleged emergency will ever induce the American people to consider any proposal insidiously designed eventually to destroy completely the American form of government.

As a Vermonter, speaking to Vermonters, I do not need to reassert that all governments derive their just powers from the consent of the governed; that sovereignty resides in the people; how well we Vermonters know that governmental power originates in the people, and a government, therefore, can have and exercise only such powers as the people yield.

So, beside the question of the maintenance or destruction of the Constitution of the United States, all other questions of law and policies sink into utter insignificance. In its presence party lines should disappear, all sectional differences melt away like the early mists of dawn before the rising sun. The Constitution is our fundamental law. Upon its provisions rests the entire fabric of our institutions. It has disappointed the expectation of those who opposed it, convinced those who doubted, and won a success beyond the most glowing hopes of those who put their faith in it.

Whatever the adventures we undertake, the goals we seek to reach, we are trustees for the future of America, and in our responsibility we must not fail. We have an inheritance to safeguard, to transmit; a system of ordered liberty in which statutes and theories of social experimenters must yield to the Constitution, in which the people are governed by law and not by man, and in which human rights are deemed to be sacred and inalienable. Many free countries have lost their liberty, and ours may lose hers, but, if she shall, let us as Vermonters join together in spirit with Lincoln when he says: "Let it be my proudest plume, not that I was the last to desert, but that I never deserted her."

#### VOCATIONAL EDUCATION

Mr. GREENWOOD, from the Committee on Rules, by direction of that committee, presented the following privileged resolution, which was referred to the House Calendar and ordered printed:

#### House Resolution 520

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 12120, a bill to provide for the further development of vocational education in the several States and Territories, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amend-

ment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

#### BONDED INDEBTEDNESS, MUNICIPAL CORPORATIONS, ALASKA

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8766, an act to authorize municipal corporations in the Territory of Alaska, to incur bonded indebtedness, and for other purposes, and concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments, as follows:

Page 1, line 4, strike out all after "authorized" down to and including "not" in line 8, and insert "to construct, improve, extend, better, repair, reconstruct, or acquire public works of a permanent character and to incur bonded indebtedness and issue negotiable bonds for any or all of such purposes: *Provided, however*, That no municipal corporation shall incur a bonded indebtedness or issue its negotiable bonds under this act to an amount which, including existing bonded indebtedness shall."

Page 1, line 10, strike out all after "municipal" down to and including "Territory" in line 2, page 2, and insert "corporation." Such public work shall include but not be limited to streets, bridges, wharves and harbor facilities, sewers and sewage-disposal plants, municipal buildings, schools, libraries, gymnasias and athletic fields, fire houses, and public utilities."

Page 2, line 18, strike out all after "Sec. 3." down to and including "may" in line 20, and insert "Bonds issued pursuant to this act shall."

Page 2, line 24, strike out all after "private" down to and including "and" in line 1, page 3, and insert "sale, may be redeemable (either with or without premium) or nonredeemable."

Page 3, line 2, after "only," insert: "and may be executed by such officers and in such manner."

Page 3, line 4, after "bonds," insert: "In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signatures, whether manual or facsimile, shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery."

Page 3, line 7, after "annum," insert: "payable semiannually."

Page 3, line 18, after "conflict," insert: "but nothing contained in this act shall affect any bonded indebtedness heretofore incurred or heretofore authorized by law. The powers conferred by this act shall be in addition and supplemental to and the limitations imposed hereby shall not affect the powers conferred by any other law."

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, this seems to be important and far-reaching legislation. I understand from the Delegate from Alaska that it pertains only to cities in Alaska and that they have agreed upon this legislation and want it.

Mr. DIMOND. The gentleman is correct.

Mr. SNELL. I have no objection.

The amendments were concurred in.

The SPEAKER. Under the special order, the Chair recognizes the Delegate from Alaska for 15 minutes.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a brief statement about farms in the Matanuska Valley made by a resident therein, and a short letter.

The SPEAKER. Without objection, it is so ordered.

#### ALASKA—FACT AND FICTION

Mr. DIMOND. Mr. Speaker, in the issue of the Washington Sunday Star of April 19 appeared an article concerning the Matanuska Valley, Alaska, farm settlement, by W. Pledge Brown. Similar articles by the same author have been published a number of times in newspapers in various parts of the United States. Some months ago—in fact, last January—a friend of mine sent me a copy of substantially the same article which had been published in Capper's Weekly, and I have been informed that at least a dozen newspapers in the United States have published, and presumably bought and paid for, articles differing little, except in arrangement of paragraphs and transposition of language, from each other and the one which was so published in the Washington Sunday Star.

While I realize how futile it is to endeavor to answer all of the untrue statements which are made orally or appear



in the newspapers or in other publications about a man, a project, or a policy, yet, to my own personal knowledge, the series of articles written by W. Pledge Brown and published in the newspapers over the country about the Matanuska settlement are so almost wholly untrue that it seems some effort should be made by those of us who have accurate information on the subject and are interested in having the truth known to state the facts. Hence, with the consent of the House, I have obtained time today to tell the Members of this body something about the Matanuska Valley farm settlement and its prospects for success and something of farm lands and farming in Alaska.

As a preliminary, however, and since in the course of what I have to say it will be necessary to show as untrue, and perhaps false, many if not most of the statements so made by the author of the article in the Star and of the other similar articles mentioned, it may be well to find out who W. Pledge Brown is.

During the winter of 1934-35, a W. Pledge Brown spent several months in Alaska, principally in the cities of Ketchikan and Juneau. He claimed to be a newspaperman and appeared to have some newspaper experience. I have made careful inquiry concerning W. Pledge Brown's journeys in Alaska and, although he claims to have been editor of the Ketchikan Daily Chronicle, and in the article appearing in the Star he says that he has lived in the Territory for more than 5 years and has covered news from Ketchikan to Nome and from Nome to Point Barrow, in truth and in fact, he was never an editor of the Ketchikan Daily Chronicle or employed by that paper, and his very limited experience in Alaska has been confined largely to the cities of Ketchikan and Juneau and never, so far as I can ascertain, has he been in the Matanuska Valley or in Nome, nor has he ever visited Barrow; accordingly when he writes of farming in Alaska, he is writing of something concerning which from personal observation and experience he knows precisely nothing.

W. Pledge Brown—his full name was there given as Wilbur Pledge Brown—however, while he was in the city of Ketchikan, Alaska, did have one experience somewhat out of the ordinary. In that city on December 24, 1934, he was charged with larceny in a dwelling house, the allegation being that he had stolen a woman's purse at a party. Hearing on the charge was held before Judge E. C. Austin, United States Commissioner at Ketchikan, on January 11, 1935, and at that time Mr. Brown pleaded guilty to petit larceny and was fined \$25. On this sentence he served 1 day and thus received a credit of \$2 on his fine under the laws of Alaska, and paid the remaining \$23. When Mr. Brown left Ketchikan he failed to pay a number of debts which he owed and, so far as I have been able to learn, these debts have never been paid.

The illuminating incident just mentioned in the life of W. Pledge Brown, who visited Alaska as above stated, and the claim of the author of the article which appeared in the Washington Star and of similar, and indeed almost identical, articles which have appeared in a number of newspapers in several cities in the United States, led me to make further inquiry about W. Pledge Brown, and as a result of such inquiry it appears that the W. Pledge Brown who pleaded guilty to petit larceny in the city of Ketchikan, Alaska, on January 11, 1935, is identical with the following: One William P. Brown who was investigated by the police department of Phoenix, Ariz., on or about September 3, 1929, concerning the issuance of checks, one Wilbur P. Brown who was subject to a like investigation by the police department of Los Angeles, Calif., on or about September 10, 1930, on a charge of issuing a N. S. F. check, and who was convicted of petit theft and sentenced to 180 days' imprisonment—suspended; one Wilbur Pledge Browne who was investigated by the police department of Pasadena, Calif., on or about January 28, 1931, on a charge of grand theft involving a motor car, which charge was later dismissed; one Pledge Brown, alias Wilbur Pledge Browne, who was charged in Los Angeles, Calif., with grand larceny involving an automobile on or about January 31, 1931; one William Pledge Brown, alias

W. P. Brown, who was investigated by the police department of Washington, D. C., on or about March 20 to March 23, 1936, on a charge of grand larceny. Further inquiry discloses that the records of the city prison of Columbus, Ohio, show one W. Pledge Brown on June 16, 1932, to have taken a Buick car from the U-Drive-It Co. of Columbus and departed; that the company caused a warrant to be issued for his arrest on June 22, 1932; that on June 16, 1932, W. Pledge Brown cashed a worthless check at the Deshler-Wallick Hotel in Columbus, and as a result thereof on June 22 the hotel management caused a warrant for his arrest to be issued; that on the same day, namely, June 16, 1932, W. Pledge Brown received his final check from the Ohio State Journal and left, taking with him a typewriter which belonged to that newspaper, but in his generous attempt to make a fair exchange he left something—he left numerous small debts owing to other employees of the paper. The theft of the typewriter was reported to the police, but no warrant was issued.

But perhaps the most despicable thing which has come to my attention concerning W. Pledge Brown is revealed in a letter written to the Ketchikan Chronicle by a lady in Kansas. This letter bears every sign of truth, and it reveals more clearly than the mere conviction of a petty thief just what the manners and morals of W. Pledge Brown are. The letter mentioned is dated December 10, 1935, and reads as follows:

KETCHIKAN CHRONICLE,

Ketchikan, Alaska.

DEAR SIR: I am enclosing in this letter to you a letter addressed to Mr. W. Pledge Brown, of the Ketchikan Chronicle.

I met Mr. Brown recently while he was in Topeka, Kans., at which time he wrote an article on Alaskan conditions for the Topeka Daily Capital (Nov. 24, 1935, issue). The paper states that W. Pledge Brown is staff writer for the Ketchikan (Alaska) Chronicle, and he had returned to the United States as one of the Alaskan delegation to the national convention of the American Legion in St. Louis. They also state that Mr. Brown will return to his duties in Alaska in December.

It seems that during Mr. Brown's stay in Topeka that he became temporarily financially embarrassed. At his request, in writing, and over the signature of the Ketchikan Chronicle, Ketchikan, Alaska, I loaned Mr. Brown \$5, which he promised to return to me not later than the following Tuesday noon, November 26, 1935, when he was supposed to receive a sum of money by special delivery. Tuesday night I found out that he had checked out of the Throop Hotel in Topeka, Kans., and had left, forgetting to extend me the courtesy of returning the \$5 I loaned him.

Mr. Brown went from Topeka to Kansas City, and I am informed through correspondence with Mr. Jerome Walsh, a lawyer in the Bryant Building, Kansas City, Mo., whose acquaintance Mr. Brown had made, that Mr. Brown had checked out of the Ambassador Hotel in Kansas City, Mo., leaving no forwarding address.

A feature article by Mr. Brown appeared in the Kansas City Journal-Post about December 2.

If in any possible way you can deliver the enclosed letter to Mr. Brown, will you kindly do so at once for me?

I am sorry to cause Mr. Brown any unnecessary embarrassment, but it was not without considerable sacrifice that I granted his request to lend him this amount. Or if you can collect this for me you may keep \$1 for your trouble and mail me the \$4.

May I hear from you by return mail?

Sincerely,

I will not reveal the lady's name because it might cause her embarrassment and undeserved shame. It is a pity and a tragedy that men like W. Pledge Brown are permitted to roam the country fleecing people, and it is surprising that editors are so credulous and so gullible as to accept and publish, without adequate question or examination, the mendacious articles furnished, and, I suppose, really sold to the newspapers by Mr. Brown.

And that is not all. A letter which appears to be authentic gives the information that W. Pledge Brown, subsequent to his visit to Alaska, left the city of Bay City, Mich., owing his hotel bill, a clothing bill of nearly \$10 and a "check that bounced back from a Seattle bank for \$25." Further similar details of his scoundrelly record are available, but surely that is enough. I could forgive him for everything except his cheating the Kansas girl out of \$5. We have a word for men of that type in Alaska.



Now let us for a moment analyze, paragraph by paragraph, the article written by W. Pledge Brown which appeared in the Washington Star. As I observed a moment ago, so much of it is untrue that it is hard to find anything material in the entire article which is really correct or accurate.

Mr. Brown says that to date the Government has expended approximately \$18,000 per family. That statement is untrue. The Government has expended approximately one-half of the amount stated by Mr. Brown, but a considerable part of that expenditure has been made for necessary roads which should have been constructed whether the 200 families were settled in the Matanuska Valley with the aid of the Government or not. Before the establishment of this colony was ever thought of, the Federal Government and the territorial government of Alaska, and the municipal government of Anchorage had spent substantial sums of money in the building of roads in the Matanuska Valley and to connect that valley with the city of Anchorage, some 40 miles away. This connecting road has long been recognized as a real necessity for the development of the region, not only for its farms and for the expansion of farming, but for the mines which lie just beyond the edge of the valley in the Willow Creek region. It would be unfair and unjust to charge against the colonists or against this particular settlement project all of the sums that have been so spent in road building, since the object of building the roads was not only to serve the Matanuska Valley settlement but also the other farmers already living in the valley and those who in the future will, on their own initiative, undoubtedly settle there.

Moreover, the money so spent in road building should have been and would probably have been spent anyhow as a part of the relief work in the Territory of Alaska; and, surely, it is much better to put men to work on economically useful projects such as public roads than it is to give them the money for doing work which is not so valuable to the public and to posterity. The roads being built are really a sound contribution to the development of that region, and so to the development of Alaska, and the only pity is that three or four times as much money has not been expended in Alaska during the past several years for building roads that are equally needed in other parts of the Territory.

Mention is made in this article of the number of colonists who returned to the United States. Let me state the facts: Of the 897 colonists who went to Matanuska, approximately 750 remain there and are quite content to remain, and thankful that they have this outstanding opportunity to make themselves self-supporting and successful. I have been furnished with a copy of a telegram, dated April 14, 1936, from Col. Otto F. Ohlson, general manager of the Alaska Railroad and chairman of the Alaska Rural Resettlement Corporation, the Government corporation having charge of this project, addressed to Col. Lawrence Westbrook, Assistant Administrator of the F. E. R. A., saying that with the exception of two families, the colonists then—April 14, 1936—in the Matanuska Valley, embracing 158 families, report they are glad to be there and that they intend to remain. One man remarked, "You could not drive me away"; and another, "The soil and climate conditions here are far better than where we came from." Similar statements were made by other colonists, indicating that they are not only willing but eager to undertake the hard work which confronts them, for they believe they are bound to succeed and to make eventually not only a living but a competence.

In this article Mr. Brown proceeds with his misinformation, talking about the "long night", as he says the winter is known in the north country, and then goes on to say, "The only thing the colonists could do was to stay in their cabins and take it on the chin" during the winter. Arrant nonsense! Official records show that the average temperature in the Matanuska Valley during the month of January 1936 was plus 12.9° F.—remember that is 12.9° above zero. Anyone who has ever lived in the Northern States knows perfectly well that, with proper food and clothing and shelter, a temperature of 12.9° above zero causes no suffering, and in

fact it is admirable weather for hard outdoor winter work, such as cutting down trees and clearing the land so that in the spring, when the frost goes out, the stumps may be removed and the land readily plowed.

In the Matanuska Valley the shortest day of the winter gives at least 8 hours of daylight. And a man who works out of doors steadily for 8 hours will do a fair day's work; and, so far as the work is concerned, he does not really need any more daylight, though a longer daylight period would undoubtedly be a comfort and a convenience. But even if the winter days are short, the briefness of the light of those days is made up to the fullest extent in the summertime, and it may be well here to remind ourselves that every part of the earth has the same amount of sunlight during the year. True, the days in the Matanuska Valley, which is a little farther north than the parallel of 61° north latitude are short in the wintertime, but in midsummer the valley is bathed in approximately 20 hours of sunlight each day and enjoys daylight for the full 24 hours.

One statement contained in Mr. Brown's article which appeared in the Star is so grossly untrue that it calls for special comment. The same statement occurred in the almost identical article which appeared in Capper's Weekly months ago. I refer to that part of the article which reads as follows:

First of all, there is no topsoil, so important to farming, to be found anywhere in Alaskan territory. Alaskan soil is covered with tundra and moss, under this a sandy gravel, and under the gravel a rich black loam. The "farmer" must dig for the soil needed.

There is simply not a word of truth in all of that. The fact is that there is ample topsoil on those lands of Alaska, more than 40,000,000 acres in extent, which are considered to be agricultural and grazing lands. It is true, of course, that in the northern half of the Territory there is plenty of moss and tundra and no farming soil in the common meaning of that term. But we are not now speaking of the reindeer ranges or the barrens, but of the farm lands of Alaska, and particularly those of the Matanuska Valley. In that valley the surface is covered with rich black loam, varying from 3 to 10 feet in depth. I personally have seen test pits dug in the valley to a depth of 6 feet without getting through the loam. Underneath this loam gravels are usually found, thus affording excellent drainage.

Later in the same article Mr. W. Pledge Brown contradicts himself when he says "with little or no drainage in the Matanuska Valley the water from the melting of the winter snows and the rains of the summer months seeps directly into the ground, making the valley a sea of mud and the soil too rich for productive farming." It will be observed that in one paragraph he says there is no top soil in Alaska and that immediately under the moss and tundra a sandy gravel is found, and then further along in another paragraph he talks about the valley being a sea of mud and says "the soil is too rich for productive farming." One wonders how any editor, no matter how careless, would pass such a plain contradiction on a very important point.

Mr. Brown tells about the annual rainfall of approximately 164 inches in southeastern Alaska. That happens to be correct and is, in fact, one of the few accurate statements in the entire article. But he fails to say that the average annual rainfall in the Matanuska Valley over a period of years has been exactly 14.80 inches. The explanation is that the Matanuska Valley is far enough in the interior of Alaska to be out of the region of heavy rainfall which bathes the coast.

The article further states that "prior to the coming of the new colonists there was not such a thing as a farm in Alaska." That statement is so foolish that even the most casual inquiry would have revealed its falsity. Actual farming has been carried on in Alaska and in the Matanuska Valley for many years and, where undertaken energetically and intelligently, it has been generally successful.

Mr. Brown further states, with the same disregard for fact, that the potatoes grown in the Matanuska Valley are unfit for human consumption; that the berries are tasteless and stringy; that the lettuce, cabbage, rhubarb, tomatoes, and other vegetables look beautiful in a crate or box, but when cut into they are rotten in the core. All untrue. The fact is



that the potatoes and other vegetables are of first-class quality. I have eaten potatoes grown in the Matanuska Valley (grown, in fact, on one of the bars of the Matanuska River) as fine and dry as any potatoes I ever ate, and I know that the lettuce, cabbage, rhubarb, tomatoes, and other vegetables are of first-class quality, sound and firm throughout.

It has been said that when new soil anywhere is first plowed up it will not produce crops of good quality the first year, perhaps due to a lack of nitrogen in the soil or to some other cause. But the Matanuska farm lands which have been under cultivation for several years produce crops that, in my judgment, cannot be surpassed in quality anywhere in the world.

Mr. Brown, in writing this series of articles, appears to rely on the general theory that as long as something bad or discreditable is said about a man, or a country, or a project, or a community, or a region, the statement may be sold as news, whereas if the truth is told it is so lacking in interest that no publisher would pay for it or print it. That, of course, is not always correct, but it seems to work sometimes. Many articles giving the truth of the situation in the Matanuska Valley have been published in newspapers and magazines over the country, and the writers did not find it necessary to depart from the truth in order to secure sale and publication of their statements.

If I were to point out every incorrect or untrue statement contained in Mr. Brown's article, these remarks would be carried to undue length, but in passing I must give a few more examples of what appears to be either gross exaggeration or absolute mendacity. Mr. Brown, in this article, has halibut swimming up the rivers of Alaska to spawn. If any halibut has ever entered a river of Alaska to spawn, certainly no one except Mr. Brown has ever before heard of it. As a matter of truth, the halibut spawn in the ocean and not in the rivers. Mr. Brown says that a \$5 bounty is paid on eagles; the truth is that the bounty is \$1. He has the eagles in this article picking the eyes out of the halibut and salmon. In order to pick the eyes out of a halibut, an eagle would have to dive deep into the salt water, and no one in Alaska has ever seen an eagle do that.

The article contains the statement that an 8-cent bounty is paid on trout regardless of size. The fact is that in a few restricted areas of Alaska a bounty of 2½ cents apiece is paid for the Dolly Varden variety of trout because this variety is especially destructive of salmon spawn. Further reference is made to the packs of wolves which roam Alaska in groups of 20 to 50. I have lived in Alaska more than 31 years, and during a substantial part of that period I was engaged in prospecting and thus had occasion to observe the habits of the wildlife of Alaska. I never saw a pack of wolves above five in number (probably a family, not a pack) and never knew of anybody who claims to have seen such a pack. Dr. Vilhjalmur Stefansson, the famous scientist, author, and Arctic explorer, includes the wolf-pack fable in what he satirically refers to as standardized misinformation. It is true that wolves are destructive of game, and the Territory pays a bounty on them. But not a wolf has been killed in the Matanuska Valley in 5 years. Wolves do not frequent the region in which the colonists are situated. The Territorial bounty on wolves is \$20, not \$15, as stated by Mr. Brown.

Mr. Brown would have you believe that disease in the Matanuska settlement was rife and the death rate terrible. The truth is that the health of the people in the settlement has been excellent. There has been sickness in the valley, but I do not know of any community in the United States where all illness has been banished. At Matanuska, some of the settlers have suffered from measles, chickenpox, and scarlet fever, but such diseases are not confined to Alaska. Mr. Brown graphically describes the sad death of a 4-year old boy. Death is always tragic, and the sight of a cheerful, happy child taken from his loved ones is particularly so. Doubtless it cast a pall over the entire colony, as such misfortunes always do. Death, as we well know, is not restricted to the aged and infirm nor to the youthful—death strikes at all ranks and all classes, and while we may deeply sympathize with the loved ones of this young boy, the first of

the colony to go, we must remember that death comes to happy, loving children all over the world even where every medical facility is available. The truth again is that from the very beginning of the settlement, the colonists were amply taken care of with the services of a physician and nurses, and one of the first things that was done in the colony was the construction of a hospital. As a result of that care, the death rate of the colonists has been only about one-half of the death rate in the continental United States. I much doubt if any of the colonists who have remained in the country would say that their health has not been amply and adequately taken care of.

My mind goes back to the early days of Alaska, when sometimes sick or injured people would be obliged to travel hundreds of miles to reach a physician, provided they were able to travel at all; and in some of the outlying parts of the country, at the present time, where as many people live as reside in the Matanuska Valley, there is no physician within 100 miles, and no hospital and no nurse. The colonists who have settled in the Matanuska Valley are much better cared for with respect to health and medical service and hospital facilities than many other of the permanent old-time residents of Alaska. Mr. Brown's inference to the contrary is simply 100 percent untrue.

In this article, mention is made of the establishment of the colony and the "able direction" of Don L. Irwin, first director of the colony. But, according to Mr. Brown, this "able direction" should be understood with reverse English, because a little further along he talks about the advent in the colony of Colonel Hunt, who "soon established order out of chaos." If the direction of Mr. Irwin was able—as it unquestionably was—how did the chaos arise? In fact, the "chaos" is simply a figment of the imagination of the author.

It is true, of course, that in the establishment of the colony mistakes were made and everything did not move as smoothly at first as a perfectly coordinated engine. The transportation of 200 families with their supplies and equipment to one place within a short time resulted in some confusion, but it was not long until good order was evolved. Upon their arrival the colonists were accommodated in comfortable tents. I have lived in tents for years, and I know there is no hardship in so living. The permanent houses were constructed and the colonists were in them before winter came. They have really suffered no substantial hardship when one considers the care and protection and thought given to the establishment of the colony and the resultant comfort and convenience, and then considers the condition which confronted the early settlers at Plymouth, and at Jamestown, or in Kentucky, or Colorado, or anywhere else during pioneer days. It almost makes one smile to hear it said, as Mr. Brown says in words or by inference, that the Matanuska colonists were exposed to hardship and suffering and sickness and danger and death.

Colonization schemes have always been laughed at until they have succeeded. The bold adventurers who left Europe to settle in the wilderness of America in the seventeenth century were ridiculed by those who stayed at home, and I have no doubt that among the settlers themselves after they arrived in America there was considerable grumbling and discontent, and that if telegraph communication had been available, some of them would have wired back home and told their friends and the members of Parliament how tough things were in the New World, and how badly they had been misled, and how much they wished they were back. But the great majority of the settlers would have stayed in America, anyhow, and they would have made the country what they have made it and what we see today.

Then in conclusion, in order to give his article a romantic sound, Mr. Brown talks about the wilderness of the Territory "as it was in the days of '98." He says:

Trappers, loggers, prospectors, and miners still blow into the coastal towns with thousands of dollars in their poke and cash in across the bars and call on drinks for the house.

The poor man does not know how to write simple English language, and apparently the proofreader was no better informed.



Again the truth is the exact reverse of what Mr. Brown tells us. The truth is that Alaska is a sedate, peaceful, and quiet country. When the average miner brings his gold into town he promptly takes it to the bank and has the proceeds deposited to his credit. After all, most miners and prospectors have some sense and judgment, just like the remainder of the people of the country. This conclusion shows how totally unfamiliar everything in Alaska is to W. Pledge Brown, or else that his mind is of such a type that he blends fact and fiction indiscriminately and does not know or care which is which.

While it would not be becoming or in accordance with the rules and dignity of this House to use any harsh term about the veracity, or lack of it, of W. Pledge Brown, or to speak what has been called the "short and ugly word", perhaps I may be justified in adopting with respect to Mr. Brown a statement once used in a lawsuit concerning a patently untruthful witness by one of the ablest lawyers of Alaska, Mr. Joseph H. Murray. And so I suggest of W. Pledge Brown, that if you should happen to see him walking down the street with Ananias on one side and Sapphira on the other, you might be certain that he was in the bosom of his family.

The need of telling the truth about the Matanuska settlement has just been brought powerfully to my attention by an article appearing in the issue of the Literary Digest of May 9, 1936. It appears to be based very largely, if not entirely, upon the numerous statements made by W. Pledge Brown and printed in newspapers over the country. While the Literary Digest does not name Mr. Brown as the source of its information, it has adopted so much of Mr. Brown's language and solemnly repeats so much of his misinformation that the internal evidence of the Literary Digest article shows, I think, beyond dispute that it is largely based upon the articles of W. Pledge Brown. The Literary Digest echoes Mr. Brown in the incorrect statement that the bounty on eagles in Alaska is \$5 and the bounty on wolves \$15, and no one but Mr. Brown, writing of Matanuska, could be so ignorant as to make those statements. No one but this "expert" on Alaska could have written the fantastic paragraph, followed almost verbatim by the Literary Digest, to the effect that the farmer must dig to get at the soil; that the Alaska ground is covered with moss and tundra under which is gravel, and under the gravel the needed loam. The Literary Digest simply must have swallowed this whole upon the authority of W. Pledge Brown.

Mr. Brown also tells us gravely that the Alaska strawberries are tasteless and stringy. The Literary Digest's editor varied the language by saying that they are "stringy and tasteless." Before the advent of Mr. Brown no one in Alaska ever heard of the Alaska strawberries as "stringy", because they are the very reverse of that. I greatly fear that the editors of the Washington Star and the Literary Digest yielded to the charm of alliteration in connecting the word "stringy" with the word "strawberries." It is a wonder that they did not go further and say "stringy, slinking strawberries." Mr. Brown was remiss in not suggesting that. If a charge of plagiarism were made by Mr. Brown or the Washington Star on account of the article appearing in the Literary Digest, the "deadly parallel" might be invoked to sustain the charge.

The Literary Digest has gone W. Pledge Brown one better in expanding the packs of wolves which are said to roam Alaska. Mr. Brown was content to place the number of the largest pack in his article which appears in the Star at 50, but the Literary Digest evidently consulted Mr. Brown again, or else took a deep breath before speaking, because the wolf packs, according to the Literary Digest, number from 50 to 200. Really, Baron Munchausen was never able to do much better than that. The Literary Digest follows Mr. Brown in reversing the laws of nature by having halibut swim up the rivers, where their spawn is eaten by trout. This statement exhibits the Brown touch—no one else could have done that job. The Digest goes on to say that the salmon and halibut fishing is worth \$2,000,000 a year to Alaska. Possibly the editor of the Digest, or Mr. Brown, or both, were here engaged in an adventure in using the empha-

sis of understatement, for the records show the yearly value of salmon and halibut fisheries to Alaska to be many, many times that sum.

The Digest also refers to "Alaskan agricultural engineers." Judging by the extent to which the article appearing in the Digest is apparently based upon the statements made by W. Pledge Brown, one naturally arrives at the conclusion that Mr. Brown has been promoted by the Digest and that he is now, in the estimation of the editors of the Digest, an Alaskan agricultural engineer. Mr. Brown's creditors in Ketchikan, Alaska, and the law-enforcement officials at that place will doubtless take interest in his change of status.

There is another unhappy circumstance concerning the article which so appeared in the Literary Digest, and that is the melancholy conclusion which one must draw therefrom—the conclusion that the editors of such a great publication did not make a sufficient, if any, investigation to determine the accuracy or lack of accuracy of the matter which appeared in that particular article. After all, the Literary Digest, unlike many newspapers, claims to be non-partisan, and that it attempts to present the facts fairly. While I do not challenge or deny the truth of that claim, it is particularly painful to have the magazine give the persuasive force of its columns, reaching, as they do, into every part of the United States, as to matters upon which it is apparent no fair investigation was ever made and which are evidently based upon the statements of a man who is not only entirely ignorant of the subject but whose character is such as to render him unworthy of belief. The least that the Literary Digest could have done before printing this alleged "news" was to have made some sort of an effort to determine the facts; but apparently such a course of action never occurred to the person responsible for the printing of the article. After reading that story, Alaskans, at least, will wonder how much reliance can be placed on other matter appearing in the Digest.

It is difficult for truth to overtake or correct error once the error is spoken. Many newspapers in the United States, including the Washington Star and now the Literary Digest, have printed a series of statements which give a totally false picture of the Matanuska Valley settlement and of Alaska generally, and which are, as a matter of fact, almost entirely untrue based upon the authority of W. Pledge Brown. It is likely that millions of people have read or will read these statements, and it is further likely that not a hundred people will read the truth of the matter, either embodied in what I have to say here today or otherwise, and that every newspaper and magazine which without investigation published Mr. Brown's statements will take no notice of the correction here or elsewhere made or of the facts here or elsewhere presented.

Now, it seems too bad that time must be used up in denying such groundless statements, but it seems to be my duty to deny them, because if not denied many people, including Members of Congress, may believe them to be true. Moreover, the statements of Mr. Brown have had such wide publicity as to possibly give a large number of our citizens an entirely erroneous idea about the Matanuska Valley farm settlement and about Alaska generally. In fact, one Member of Congress recently asked me if I had read Mr. Brown's article, which appeared in the Star. I replied that I had, and that there was little of truth in it. But this Member looked at me in astonishment, and from further remarks which he made he very evidently had been impressed by the article.

Perhaps this inclination to misunderstand conditions in Alaska goes back to the ancient fiction that Alaska is a land of ice and snow and polar bears and glaciers and very little else. It is indeed difficult to make the people of the United States know what Alaska really is. Even to this day, occasionally the shipment of merchandise to Alaska is refused in winter upon the alleged ground that the Territory is frozen in and that nothing can be transported by sea to any part of Alaska in the wintertime. It is particularly difficult to make people understand and know the truth about the farm lands and grazing lands of Alaska. Occasionally people who have



visited the southeastern part of the coast of Alaska have erroneous impressions about farming in the Territory. I once talked with a Member of Congress who had sailed along the coast of Alaska and seen the rugged mountain chain which fronts the coast for hundreds of miles, with here and there a glacier breaking through. He has decided upon that inspection alone that there is no agricultural land in Alaska and no possibility of successful farming in the Territory.

Somehow, I cannot understand this attitude. If I should desire to know anything about Texas, or Colorado, or Florida, or Maine, or any other State, I think I should inquire of the Members of Congress from the State about which I desired information, and I know that I could justly rely upon the accuracy of what they told me. And yet, when I tell people about Alaska, particularly about farming in Alaska, it seems to me that many of them are under the impression that what I am telling is just some kind of pleasant fiction. Yet even brief reflection and a knowledge of geography and climate should convince the people of the United States that Alaska is valuable for something besides its extensive stores of gold and coal, and copper, and oil, and its even greater resources in fish, and that there is in Alaska possibility for development of very large farming areas capable of supporting several millions of people.

So let us put out of our minds everything about W. Pledge Brown and rise into a purer and cleaner atmosphere. Let us see what Alaska really is. As I have told this House before, Alaska is in many respects the greatest resource which the United States possesses. In order to understand the value of the Territory, we only have to make a few comparisons.

Alaska lies, roughly speaking, between the fifty-third and the seventy-first parallels of latitude, stretching through the vast distance of 18°. The main body of it lies between 130° and 168° west longitude, though the Aleutian chain and some other islands extend out into the Pacific almost 8° further, reaching nearly to 172° east longitude. In Europe the nations which lie within the same latitude as Alaska embrace Norway, Sweden, Finland, Denmark, Latvia, Esthonia, and, of course, all northern Russia and Siberia.

We shall confine our comparisons to Norway, Sweden, and Finland alone. We find by such comparison that Alaska exceeds in area the combined areas of Norway, Sweden, and Finland, which now support in comfort more than 12,000,000 people. Once each year we have occasion to remember Finland, because that valiant country is the only one of our national debtors which pays its debts when due and which is not in default. Yet an examination of the geography shows that the total area of Finland is only 144,250 square miles, as compared with approximately 589,000 square miles in Alaska. We find that Finland has no natural gold reserves of any kind; has very little copper; that its iron reserves are much less than those of Alaska; that its total water power is less than that of Alaska; that its fisheries are only a fraction of the value of the Alaska fisheries; that its agricultural and grazing lands are approximately one-sixth of the area of the farming and grazing lands of Alaska; that it has no coal reserves, no petroleum reserves; in reindeer pasture Finland has 8,000 square miles, Alaska 240,000 square miles. And yet this country not only sustains a cultured as well as a rugged population of 3,500,000 people but it alone of all the European nations meets its national indebtedness promptly on the dot.

A comparison of Alaska with Sweden, which has a population of 6,000,000, is equally favorable to the Territory. Sweden has an area of 173,550 square miles; its farming and grazing lands do not in area exceed one-half of that of Alaska, and yet its agricultural population comprises approximately 2,700,000 people. Sweden has in reindeer pasture about 40,000 square miles, as against 240,000 square miles in Alaska; it has in woodlands 2,000 square miles as against 181,000 square miles in Alaska. Sweden, like Finland, has nothing in the way of natural gold reserves, and its copper reserves are very small indeed as compared with the very large copper reserves of Alaska. It may be that in iron reserves Sweden surpasses Alaska, because we find its iron resources listed at 442,000,000 tons, while no survey has ever been made, so far as I am aware, of the iron reserves of

Alaska. We know Alaska contains considerable iron, but it would be rash for anyone to try to compare it with Sweden in that respect. Alaska has large deposits of marble, Sweden little. Alaska, so far as known, contains 40 times as much coal as Sweden. Alaska apparently has large reserves of petroleum, and Sweden is entirely without this resource. Sweden surpasses Alaska, but not very much, in total water power, the figures being Sweden, 3,500,000 horsepower, and Alaska, 2,800,000 horsepower. The fisheries of Sweden, although extensive, do not amount in value to half of those of Alaska. Now, in this connection let me point out once more that Sweden and Finland lie in the same latitude as Alaska. Finland touches the Arctic Ocean on the north and the Gulf of Finland on the south, and it is cut off from Sweden by the Gulf of Bothnia. Both of these countries are far enough removed from the Atlantic Ocean to be measurably deprived of the warming and moderating influence of the gulf stream. The climate of these two countries is, taken by and large, approximately the same as that of Alaska. So when I conclude, as I do, that the Territory of Alaska is capable of supporting in comfort a population of several millions, I am not drawing at all upon my imagination but basing it upon what has been done in the old world and upon an impartial consideration of geographic and scientific facts.

The late great Dr. Alfred H. Brooks, former Director of the Alaska Division of the United States Geological Survey, once made the following observation:

Had the Pilgrim fathers settled at Sitka, Alaska, instead of at Plymouth, they would have found milder climate, better soil and timber, and more game, furs, and fish. Indeed, pioneer life in southeastern Alaska was so much easier than that on the New England coast, the question might seriously be raised whether the hardy enterprise of the Puritan stock would have developed under these more favorable conditions.

May I digress here for a moment in order to pay deserved tribute to this really eminent scientist and distinguished man? It is from his compilation that I have secured readily the data-making comparisons between the resources of Alaska and those of Sweden and Finland.

One who really desires to find out the farming possibilities of the Matanuska Valley has only to consult the records of the Department of Agriculture, which for many years maintained an experiment farm in the Matanuska Valley. From a reference to those records we find that the yield of oats on the valley farms is from 51 to 87.5 bushels to the acre; that peas yield heavily; that root crops yield abundantly and that they are of good quality and keep well; that cereal crops, such as spring wheat, oats, barley, grow well; that potatoes yield more than 200 bushels per acre in good soil; that winter rye can be grown successfully and that it is sown the latter part of July in one year and matures in August of the following year.

The question is, Which are we going to believe, the reports of responsible agents and scientists of the Department of Agriculture or the statements made by W. Pledge Brown and by others who are little, if any, better informed?

Of course, we all know that the Matanuska Valley is not a northern paradise where ravens bring food to the needy and manna simply falls down from heaven. The Matanuska colony is not a get-rich-quick scheme nor a lazy man's heaven. Resources are plentiful and opportunities abound, but work, hard work, is required to succeed there as elsewhere. No lucky strike of gold or diamonds or pearls is going to make everyone there rich. Most of the settlers who now remain in the valley are, I believe, of the type who are willing to work and who do not demand that opportunity knock a dozen times or more at their doors before they will open. There have been difficulties and discomforts in the Matanuska Valley, the same as there have been elsewhere in any new country, with any new settlement, but those difficulties and discomforts are, I am confident, less in the valley than in almost any other pioneer country of which any of us ever heard. There is difficulty in clearing the land, which is covered with timber; that is not a job for a man who does not care to work. The trees must be cut down and dragged off and the stumps pulled and the land placed under cultivation; all this means long days of really hard



work, but it is the type of work that has been done by the pioneers since the earliest days of this country, the pioneers who moved into the Atlantic seaboard, into the Mississippi Valley, and into the forests of the Northwest.

Considerable criticism has been voiced of the Matanuska Valley farm project. It is my considered judgment that the project is not only fundamentally sound but has been well administered. I do not mean by this that the administration has been perfect or that no mistakes have been made. As was said the other day by the distinguished gentleman from Virginia [Mr. Woodrum], it is not claimed that the administrative officers are infallible, for we realize that they are human and, being human, they are liable to err. But it is only an unfair critic who would unduly exalt and magnify the relatively few errors made in the establishment and carrying on of the Matanuska colony. It must be remembered that it was necessary to take these settlers from the relief rolls. They were so taken from the relief rolls of the States of Michigan, Wisconsin, and Minnesota because, in going to Alaska, settlers from those States would experience little change of climate. Now the Government has the alternative in treating relief of either keeping on providing people with food and clothing indefinitely or of helping them to get into circumstances where they will be able to help themselves. With respect to the Matanuska Valley settlers, the latter alternative was chosen, and, while I realize it cannot be extended universally to all who are on relief, surely this venture was worth while when we consider its importance in the development of a great country.

Claim has been made that the settlers will never sustain themselves and that, having been on relief, they are incapable of any prolonged or self-supporting effort. Information reaching me indicates that that criticism is entirely unfounded, and that by far the greater portion of the colonists chosen for this settlement are sturdy, upright, industrious people, many of them, before the depression, in good circumstances. They went on relief not through any fault or omission of their own, but because of adverse economic conditions, and that with few, if any, exceptions the families embraced in the original colony now remaining in Matanuska Valley will measure up in mental, moral, and physical stamina to the standards of other citizens of the United States on or off the relief rolls, in any part of the country.

Let me give you briefly the testimony of a man who has lived in the Matanuska Valley since a date prior to the arrival of the colonists in the spring of 1935, that of the Reverend B. J. Bingle, who is a Presbyterian minister and pastor of the Community Church at Palmer, Alaska. Mr. Bingle recently visited Washington en route to attend a general assembly of his church at Syracuse, N. Y. He has had the widest opportunity to observe conditions in the Matanuska Valley, and has been with the settlement from the beginning. He says, in part:

I went into that valley before any of the colonists or construction workers arrived. I had lived in the Territory already 7 years prior to that move. I knew what the country could do across that range of mountains to the north and east, but I had an open mind as to what this valley could do and what success could be made of it. I am now 100 percent with all my might back of that project. Here are some of the things I have seen that bring me to my conclusions:

Oats growing on ground that has not been fertilized for 10 years, standing as high as my head, heavy oats, well filled out kernel, and when cut for hay or threshed, make the best kind of feed for cattle, horses, or sheep.

Wheat grows very well. The superintendent of schools owns a farm on which was raised, last year, wheat that ran 43 bushels per acre.

Other grains are now being tried, except corn, which cannot grow that far north, and they have given evidence of good success.

I have seen those much-discussed and cursed Alaskan potatoes. They are supposed to be wet and soggy, not fit for man or beast. I have eaten those spuds for 1 year. I have personally boiled them, fried them, baked them. I have eaten them French fried or made into potato chips, and they are not only good, but very good. There is a different taste to them, but there is no greater difference between them and the potatoes grown in the Western States than there is between the potatoes grown in the Middle West and those grown on the Pacific coast. One notices a difference in taste between western-grown and eastern-grown apples, too. As to their lasting qualities, I had western potatoes and Alaska potatoes side

by side—not in a cellar, but in a warm upstairs room all last winter—right in Matanuska Valley. My Alaska potatoes were more solid when I left 4 weeks ago than my western ones. They looked better every way and were better.

I have seen and eaten all winter other Alaskan vegetables such as carrots, peas, and rutabagas. They were equal to outside grown ones in every way, in taste, and keeping qualities. My experience with Alaskan-grown vegetables is that they keep better than those shipped in. Cabbages and lettuce are excellent.

I have helped my wife pick, can, make jelly and preserves from the various wild berries—and they are there in large amounts—and I find I eat them no less readily than the outside tame berry. The tame berry transplanted to Alaska is better than that berry produced in the States and bigger.

As for feed for cattle, I have stood many times on the beaches looking out toward the Knik Arm on the Pacific Ocean and seen stretches of wild hay on those beaches that are many miles long and from 2 to 3 miles deep in spots. The hay in most places was about 5 feet tall. The Elicksons of Knik have lived at their same location for 25 years at least. They have sheep, goats, Guernsey cattle, and a horse. They have cut that hay year after year and fed it to their stock. Their stock is rolling in fat, and the milk and butter the cows produce compare favorably with that from the western half of the States.

I could go on indefinitely and tell what that land can do. I will conclude. We have:

(1) Soil. It is first class, from 2 feet to 8 feet in depth, underlain with gravel.

(2) Climate. It was warmer there than in New York last winter.

(3) Market. It only awaits food to be produced and shipped to it.

(4) People. With few exceptions they are a high-class people—capable, intelligent, thrifty, and energetic. You could not ask for better than those that are remaining.

Mr. Bingle also definitely commends the government of the colony and those who are now in charge of it.

This is convincing evidence, coming as it does from a man who not only is of high character and possesses marked intelligence, but who has closely observed the matters of which he speaks and who is devoid of bias, prejudice, or partisanship.

In conclusion, let me point out that the Matanuska Valley is not the only farming region of Alaska. Indeed, it is only a very small part of the farming and grazing lands of Alaska, and in the grazing lands I do not include the reindeer range. I have in mind one small island embracing about 100,000 acres off the coast of Alaska, which, in the judgment of an experienced stockman, will support 10,000 head of cattle on the natural range and without supplying any winter feed whatever other than that which can be obtained on the range. We have the great Tanana Valley, a large part of which is suitable for agriculture. We have the lower Kenai Peninsula region, in some respects the best of Alaska farm lands, which needs only roads to insure its rapid settlement and cultivation; and, according to the reports of the Department of Agriculture, approximately 750,000 acres of the best agricultural land in Alaska is absolutely inaccessible to farmers. I refer to the region lying north of the Tanana River, between the Tanana and the Forty Mile, and more particularly along the south fork of the Forty Mile River.

People who know the facts about Alaska realize that the Territory is capable of supporting in comfort a population approaching that of Norway, Sweden, and Finland. Italy has just waged a desperate and costly war to gain dominion of a country not half as valuable. And Japan is sending armies to Asia to conquer lands not as well suited to colonization.

We have eaten fiction long enough; let us change to a diet of facts. [Applause.]

The SPEAKER. Under the special order the Chair recognizes the gentleman from New York [Mr. REED] for 20 minutes.

Mr. REED of New York. Mr. Speaker, the interest people are manifesting in the Federal Constitution is one of the encouraging signs of the times. The confusion and chaos which have prevailed in Washington during the past 3 years have bewildered the people and obscured from them the extent to which arbitrary government has encroached upon their individual liberties.

One assault after another has been launched by the New Deal forces against the Constitution. These attacks against



the supreme law of the land, which after all are blows directed at the expressed will of a sovereign people, have at last aroused the public to the gravity of the situation. Every thoughtful person now knows that the United States is in a critical phase of its existence, the most dangerous in all its history in time of peace.

The solemn covenants entered into by the New Deal administration with the people have been disregarded, broken, and dishonored by those who have taken a sacred obligation to preserve and protect the constitutional rights of every American citizen.

While it has been known by some of the people, it has not been generally known that working within the Government, employed by the Government, are officials who scorn the doctrine of individual liberty as proclaimed in the Declaration of Independence, and as reaffirmed in the Federal Constitution. Not until one barrier after another had been thrown across the path of the advancing and destructive forces of communism and socialism by the Supreme Court of the United States were the people made fully aware of the purpose that the leaders of the New Deal had in mind.

This great tribunal of justice, the people's Court, did not falter in the performance of its sworn duty. It erected not only a barrier to prevent the spoliation of the supreme law of the land but it struck back at the despoilers and it struck hard.

What has been the program of the New Deal officials who from the first have attempted to destroy individual liberty? The method of destruction adopted by the New Dealers is not new but old. A century ago William Tudor wrote:

Whenever any set of men shall entertain designs against the Constitution, either to overwhelm it in the anarchy of simple democracy or to found on its ruins a usurpation of monarchical power, they will commence their operations by open or insidious attacks to weaken and overthrow the judiciary.

Such has been the procedure of this administration during the past 3 years. The first step taken was to formulate legislation in which benefits were promised to certain minority groups, which the authors of the legislation knew to be beyond constitutional scope and power of Congress to legally bestow. It was known, of course, by the authors of the legislation that the Supreme Court, when the issue was presented, could not do otherwise under its sworn duty but declare the legislation unconstitutional. The proponents also knew that an adverse decision of the Court would naturally arouse resentment on the part of the minority groups to whom illegal benefits were promised. To be more specific in regard to the attempt to destroy public confidence in the Constitution and judiciary, let us reduce the plan now being pursued to plain everyday language.

Various pieces of legislation have been formulated by this administration and presented to Congress in which money payments have been promised to various groups. As I have stated, these legislative proposals and the promises of benefits which each contained were known when formulated and presented to be unconstitutional, beyond the powers of Congress to legally enact; but it was also known by the authors of this legislation that the Supreme Court, under its sworn duty, would be compelled to hold these acts illegal, void, and of no effect.

What, then, was the purpose and motive in presenting such legislation for the pretended benefits to farmers, miners, wage earners, and others?

It was to arouse the hopes and expectations of these groups, once the legislation was enacted, that they would receive money from the United States Government. It was known to those who prepared the legislation and by the Congress at the time it enacted it that when the Court did render adverse decisions, as it was bound to do, then the Court, and not the administration, would be blamed; that prejudice and resentment would be visited upon the Court by the mouthpieces of the administration; that by official jabs and slurs, prejudice would be aroused to the point where, in the white heat of passion, the disappointed groups would be willing to support any plan to take from the Court the right of judicial review.

These are the political aspects of the case. Such has been the motive of those who have framed these illegal legislative measures. Aside from the reprehensible character of such a program, the cost to the taxpayers has already been stupendous. We need only consider the hundreds of millions of dollars raised by the processing taxes. Now, since the Court has performed its sworn duty and has done precisely what President Roosevelt and his officials knew it would have to do, he recently presented to the Congress a message asking for more funds to replace the money which the New Deal administration has illegally collected and spent and which President Roosevelt now says is "made necessary by the decision of the Supreme Court." He goes out of his way to blame the Supreme Court.

The real blame, as he knows, and as all thoughtful people must know, rests with President Roosevelt and the "hot dog" lawyers who have deliberately set about to destroy the confidence of the people in the judiciary—and all for political purposes.

The next move, once the disappointed groups are sufficiently aroused and mobilized, will be to appeal to them to support a program to take from the Supreme Court the power of judicial review of legislation passed by the Congress. This plan, if carried out, will take from the Supreme Court the power to uphold the Constitution and, by decision, prevent its violation. Furthermore, it will change not only the Constitution of the United States but the constitutions of each of the 48 States comprising our National Union.

Under this plan, if adopted, anarchy will be substituted for order, passion for moderation, all without any restraining judicial action. The proposal, whether called "the more abundant life" or "the new order", when reduced to everyday language, means that an Executive with a lust for power, assisted by a rubber-stamp Congress, once given the power requested, could thrust individual liberty into the background and supplant it with tyranny, bigotry, and intolerance every bit as intolerable and insufferable as that to be found under any dictatorial regime in existence, and with the same tragic consequences to mankind here as now exists abroad.

It is time for self-respecting, freedom-loving men and women to realize that under the new order proposed President Roosevelt and the New Deal Congress, without any legal restraint whatsoever, would be permitted to destroy every right now guaranteed to an American citizen by the Federal Constitution. But while an effort is being made by this administration to destroy confidence in the judiciary, the proponents of unlimited national legislative power seek to persuade the people to place full faith and confidence in the wisdom and self-restraint of the Congress. This is not the philosophy taught by the great apostle of democracy, Thomas Jefferson. His answer to the sophistry that the people should have confidence in the Congress to protect their individual rights was this:

It would be a dangerous delusion if our confidence in the men of our choice should silence our fears for the safety of our rights. Confidence is everywhere the parent of despotism. Free government is founded on jealousy, not in confidence. It is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which, and no further, our confidence will go. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

The Federal Constitution is the expressed will of a sovereign people. The representatives in Congress are not general agents of the people but special agents whose powers are set forth, defined, and limited by the Constitution. They are enjoined not to transgress the limits of the special authority granted to them by the people whom they represent. Out of an abundance of caution, and as an added safeguard against encroachment, each Member of Congress is required to take an oath of office to support and defend the Constitution and to bear true faith and allegiance to the same.

The President of the United States is required by the Constitution itself, in prescribed language, to take a similar oath as a covenant with the people that he will not usurp powers



forbidden by the supreme law of the land. Our Government has been conducted for almost a century and a half upon the theory that the Chief Executive and each Member of Congress would observe his oath of office. This rule, until recently, has been faithfully observed, except when there has been an honest mistake of judgment as to the constitutionality of proposed legislation.

President Lincoln, when urged to exercise powers not granted, replied:

It was in the oath that I took that I would, to the best of my ability, preserve, protect, and defend the Constitution of the United States. I could not take office without taking the oath, nor was it my view that I might take the oath in order to get power and then break the oath in using the power.

One of the chief functions—the most vital function—of the Supreme Court is to keep the executive branch and the legislative branch of the Government from usurping powers not granted to them, respectively, by the Constitution. The Supreme Court is the tribunal that guards from encroachment or destruction the liberties guaranteed to the people by the Constitution.

What do these rights mean to the individual? I want to impress upon every Member of the House that if and when court review of legislation is abolished, the Congress in any one session can take away any one or all of these rights or liberties enumerated and guaranteed to every American citizen in the Bill of Rights. What are these cherished and time-honored individual rights?

Religious liberty, freedom of speech, freedom of the press, the right of peaceful assembly, the right of petition for redress of grievances.

The right of State militia to bear arms.

No soldier shall be quartered in time of peace in a house without consent of the owner.

Unreasonable search and seizure.

No arrest, except upon probable cause supported by oath or affirmation, describing the place and the persons or things to be seized.

Capital offenses must be found by a grand-jury indictment.

No person shall for the same offense be twice put in jeopardy, compelled to testify against himself, nor be deprived of life or property without due process of law; no private property taken for public use without just compensation.

In criminal prosecutions the accused shall enjoy a speedy and public trial by an impartial jury in the district wherein the crime is committed, to be informed of the nature of the accusation; to be confronted by witnesses; to have compulsory service for obtaining witnesses and the assistance of counsel for his defense; the right of trial by jury where the sum exceeds \$20.

Excessive bail shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted.

These individual rights are now guaranteed to every American citizen by the Federal Constitution, and each of these individual rights is guarded by the Supreme Court of the United States. The average man and woman finds in these provisions their sole protection against executive and legislative abuse and tyranny. Remove the right of judicial review and all of these rights, the heritage of an heroic past, can be swept away, leaving the individual a helpless victim of either Executive tyranny or the mob rule of an irresponsible Congress. The Supreme Court is the last line of defense for the individual citizen in the maintenance of his liberties.

There is still on the way to the Supreme Court a long parade of must legislation enacted by the Congress under the pressure of the Executive.

The Guffey coal bill has just been declared unconstitutional. When this measure was before a subcommittee of the Ways and Means Committee the members of the committee hesitated to report it to the full committee because of doubts entertained as to its constitutionality. It was at this juncture that the people were startled and stunned to have their Chief Executive, in a letter to Hon. SAMUEL B. HILL, the chairman of the subcommittee, urge that the bill be favor-

ably reported, notwithstanding doubts as to its constitutionality. The intent of President Roosevelt is clear and unequivocal:

"I hope", said President Roosevelt, "your committee will not permit doubt as to the constitutionality, however reasonable, to block the suggested legislation."

Under the lash of the President this legislation was driven through both branches of the Congress and promptly signed by him.

Attempts to create resentment toward the Supreme Court with the sole and determined purpose of creating a political issue is reprehensible, and unless this attempt to do so is met with firm resistance by patriotic citizens, mob rule will replace orderly government. I may say, in this connection, that an eminent authority on constitutional law makes the comment:

Those legislators . . . who vote for a measure without being honestly convinced of its constitutionality and excuse themselves upon the ground that if their action is not valid the courts have the opportunity to so declare, are recreant in their duty. . . . No popular government can successfully endure in which the decisions of its courts do not receive the general approval of the citizen body. But if legislatures recklessly pass measures ostensibly for the benefit of the masses but invalid when tested by the fundamental law, the odium of defeating these measures is thrown upon the courts, and a popular objection to and distrust of these courts created.

I may say in passing that out of the 24,000 Federal laws passed by the Congress since our Government was organized, the Supreme Court has held only 69 of them unconstitutional. Ten of these cases have been so held under the New Deal, and other cases arising out of the New Deal are now on the way to the Supreme Court. Three cases have been withdrawn by the Government to avoid adverse decisions.

Just how far arbitrary Government dare go, unless restrained, needs no better exemplification than the A. A. A., especially the Potato Control Act. Once the right of court review is destroyed, there will be established a centralized government that will make every citizen subject to bureaucratic control. If this happens, the people will find that the clock of progress has been turned backward, not forward. First, there will be communism, then the dictator. Such has been the history of every government, ancient and modern, whenever and wherever the people have bartered away or surrendered their liberties. [Applause.]

#### A BILL THAT SHOULD PASS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks briefly in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LUDLOW. Mr. Speaker, the American War Mothers are intensely interested in a bill that has passed the Senate and which I fervently hope will pass this House of Representatives and become a law before the present session of Congress adjourns sine die.

I refer to the bill introduced by Senator SHERMAN MINTON, of Indiana, a distinguished veteran of the World War, which provides that unexpended balances of the "Stars and Stripes" fund, and other special funds, in the custody of the Treasury shall be invested in interest-bearing Government securities and that the sum of \$20,000 shall be allotted every year from this source to the American War Mothers to carry on their humanitarian activities.

These special funds, aggregating \$294,852.97, now lie idle in the Treasury. Not a dollar of this money was appropriated, so that it is not and never has been a charge on the taxpayers. It represents in the main the contributions of American soldiers in France to carry on the Stars and Stripes, the doughboys' official publication. The cessation of the war left an accumulated balance on hand and it was covered into the Treasury where it has remained inactive in a special account ever since.

This fund ought to be doing some good for humanity's sake. I cannot imagine any better or more appropriate use for it than the purpose provided for in this bill. Surely no group in this country is more entitled to the benefits of this fund than the mothers who endured the heartaches of the



World War, when their sons fought on foreign soil, some to return with shattered minds and broken bodies, and others never to return at all.

We should show our love for the American War Mothers by passing this bill unanimously, just as soon as it can be reported out of the Judiciary Committee and brought to a vote. Certainly we owe them that tribute. We repeatedly exhaust the beauties of language in rendering lip service to the War Mothers; every Decoration Day and oftener we lay our linguistic garlands at their feet. Here is an opportunity to do something really worth while for them—something they will appreciate.

If we make it possible for them to receive \$20,000 a year to carry on their humanitarian work, it will be like sending their ship home to them—a ship laden with rich blessings. No one not a member of their organization can visualize all the good they will be able, with careful management, to do on \$20,000 a year. The organization of War Mothers provides medical and hospital care for needy War Mothers, maintains homes for those without a home or means of support, carries on child-welfare work, and renders assistance to the poor and needy in many ways. Every dollar that is made available to the American War Mothers will go forward among the poor and needy and sorely afflicted to render a blessed, humanitarian service.

As a Hoosier, I feel especially interested in this bill because it was an Indiana war mother, Mrs. William E. Ochiltree, of Connersville, Ind., who first proposed this use of the idle funds in the Treasury and who has labored incessantly, in season and out of season, to make her dream a reality. Mrs. Ochiltree was national president of the American War Mothers from September 1933 until September 1935. No organization of women in America ever has had a more forthright, able executive than Mrs. Ochiltree proved to be. Her unflagging devotion, accurate judgment, and magnificent energy soon won for her a place of the highest distinction among the American War Mothers and the loving esteem of every soldier who fought for his country in the dark days of 1917 and 1918. Her administration as president will be remembered as one of the brightest eras in the history of the organization.

Mrs. Ochiltree, 76 years young, now in retirement at her hospitable home in Indiana, is confidently expecting this House to pass the Minton bill before the gavels adjourn this Congress, and thousands of war mothers all over the country are watching and waiting. As the session rushes toward its close, let us not permit this measure, so dear to the hearts of the war mothers, to become lost in the shadows of more important matters. Let us think of the war mothers and all they suffered and endured, and, remembering them, let us fan the spark of sentiment to a brighter glow by passing this worthy measure in their behalf.

#### WHITMAN NATIONAL MONUMENT

Mr. DE ROUEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7736) to provide for the establishment of the Whitman National Monument, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Mr. DE ROUEN, Mr. KNUTE HILL, and Mr. ENGLEBRIGHT.

#### TRADING IN UNLISTED SECURITIES UPON NATIONAL SECURITIES EXCHANGES

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 4023) to provide for the continuation of trading in unlisted securities upon national securities exchanges, for the registration of over-the-counter brokers and dealers, for the filing of current information and periodic reports by issuers, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SNELL. Reserving the right to object, Mr. Speaker, I have consulted with the minority members of this committee and I have been informed that there was no one who appeared in opposition to this bill. As a matter of fact, personally I feel it is a very important bill to pass by unanimous consent. At least I think the chairman of the committee should make a statement to the House and tell us exactly what we are doing in this proposed legislation.

Mr. RAYBURN. I will be glad to do that as nearly as I can.

At the time we passed the Stock Exchange Act in 1934 there were traded in on the exchanges of the country, if the exchanges would allow it, unlisted securities. We did not go into that in the act at that time for the reason that we felt we had hardly sufficient information with reference to it. We therefore asked the Commission to make a study of this matter and submit a report to Congress. The Commission made that study, and on the 3d of January their report was submitted to Congress. In that report they recommended that the trading privilege in unlisted securities on stock exchanges be continued. That is what this bill does.

I may say to the gentleman that this is more or less an emergency piece of legislation, and that is the reason I have asked unanimous consent to consider it at this time. There are today traded in on the exchanges of this country securities on an unlisted basis amounting to 1,875,000,000 shares of stock. Those shares of stock comprise 1,370 separate issues. There are today traded in, in unlisted securities, on the exchanges \$6,800,000,000 worth of bonds, comprising 564 separate issues. If this bill is not passed before the 31st day of May, the trading in those securities on the exchanges will be illegal.

Mr. SNELL. Will the gentleman explain why it would be any different than before the original security law was passed? That is, before that time they traded over the counter, so to speak, in unlisted securities. As I understand the gentleman's explanation, this allows them to continue doing that exactly the same as they did before the original act was passed. Is that true?

Mr. RAYBURN. That is correct, under certain supervision of those things, as there is supervision of the exchanges in the trading in listed securities.

Mr. SNELL. I have hastily glanced through these hearings, and I notice that the president of the American Bankers Association appeared and said he had no objection to it.

Mr. RAYBURN. Let me say to the gentleman there was a provision in the Senate bill which we have stricken out. The American Bankers' Association said they thought that would bring them under the Securities and Exchange Commission. Their attorneys had said that it would. We told them frankly that we did not want to do it because they were already regulated by enough agencies. We, therefore, struck out the provision to which they objected and inserted a new provision at the top of page 12, known as section C, that entirely satisfied them that their transactions would not come under this bill.

Under section C of the Senate bill, also, municipalities raised a question, especially some municipalities in the State of New York. As this section is now worded, they say it is entirely fair to them and allows them to go on and do their trading just as they have in the past.

Mr. SNELL. Then there is no objection, so far as the gentleman knows, from any of these various classes affected by the bill?

Mr. RAYBURN. Not that I know of. I may say to the gentleman from New York that when Mr. Landis closed his statement with reference to the bill I asked whether representatives were there from any of the exchanges who wanted to be heard. Mr. Lockwood, of the Curb, was there. He said, speaking for the Curb, that this amendment suited him; that the situation was serious but that this met it in a constructive way. Then I called Mr. Fleming, president of the American Bankers' Association, and some representatives of municipalities. They all say they are satisfied.



Mr. SNELL. I would expect this would pertain more to securities sold on the Curb Market, to over-the-counter securities.

Mr. RAYBURN. That is probably true. Mr. Lockwood said that so far as the Curb was concerned he thought it met the situation in a very constructive manner.

Mr. SNELL. I have not changed my view that this is very important legislation to go through by unanimous consent, but if no member of the committee is opposed to the bill, and if those most affected by the bill are agreeable to it, then I ought not to object, and I have no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. WHITE. Mr. Speaker, I object.

#### STEAMBOAT INSPECTION SERVICE

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a Marine Casualty Investigation Board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes, and ask that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat inspection laws, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 5, 6, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"Sec. 4450. (a) The Secretary of Commerce shall prescribe rules and regulations for the investigation of marine casualties involving loss of life in order to determine whether any incompetence, misconduct, unskillfulness or willful violation of law on the part of any licensed officer, pilot, seaman, employee, owner or agent of such owner of any vessel involved in such casualty, or any inspector, officer of the Coast Guard, or other officer or employee of the United States, or any other person, caused, or contributed to the cause of such casualty. For the purpose of investigating such a marine casualty, the Secretary of Commerce shall appoint a marine casualty investigation board or boards consisting of a chairman and two other members; the chairman shall be an officer or employee of the Department of Justice (learned in maritime laws) designated by the Attorney General; one member shall be a representative of the Bureau of Marine Inspection and Navigation designated by the Secretary of Commerce; and the other member shall be an officer of the United States Coast Guard designated by the Secretary of the Treasury. All reports shall be made to the Secretary of Commerce and such reports shall be public records and be open to inspection at reasonable times by any persons. Copies of such reports shall be sent to the Attorney General and to the Secretary of the Treasury."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

On page 5 of the Senate engrossed amendments, line 3, after the comma insert "any owner, licensed officer, or any holder of a certificate of service, or any other person whose conduct is under investigation, or any other party in interest, shall be allowed to be represented by counsel, to cross-examine witnesses, and to call witnesses in his own behalf, and".

And the Senate agree to the same.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
ROBERT RAMSPECK,  
RICHARD J. WELCH,

*Managers on the part of the House.*

ROYAL S. COPELAND,  
DUNCAN U. FLETCHER,  
HIRAM W. JOHNSON,  
WALLACE H. WHITE, Jr.,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8599) to provide for a change in the designation of the Bureau of Navigation and Steamboat Inspection, to create a marine casualty investigation board and increase efficiency in administration of the steamboat-inspection laws, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

On amendment no. 1: This amendment eliminates the House provision authorizing the appointment of supervising inspectors by the Secretary of Commerce to be made without regard to civil-service rules and regulations. The House recedes.

On amendment no. 2: This amendment substituted for the House provision relating to the investigation of marine casualties involving loss of life, provisions for the creation of a marine casualty investigation board consisting of Government officers or employees. The House provision provided for the appointment of an investigation board for each casualty. The House recedes from its disagreement to the Senate amendment and agrees to the same with an amendment which authorizes the Secretary of Commerce to prescribe rules and regulations for the investigation of marine casualties involving loss of life, and authorizes the Secretary of Commerce to appoint a board or boards consisting of Government officials to investigate any such casualty or casualties.

On amendment no. 3: This amendment substituted for the House provision relating to the investigation of marine casualties not involving loss of life provisions authorizing the Secretary of Commerce to establish rules and regulations for the investigation of such casualties, for the classification of such casualties, and for investigation by a marine board consisting of inspectors of the Bureau of Marine Inspection and Navigation designated by the Secretary of Commerce. The House provision authorized the appointment of marine boards for such investigations. The House recedes from its disagreement to the amendment.

On amendment no. 4: This amendment substituted for the House provisions relating to the conduct of investigations into acts of incompetency or misconduct or in violations of law or regulations by officers and seamen and by Government employees charged with duties in the premises somewhat broader provisions directing investigation of all such acts and of all marine casualties and accidents by the appropriate boards created by the act, and also provided for the submission of complete records to the Director of the Bureau of Marine Inspection and Navigation. The House recedes from its disagreement to the amendment with an amendment inserting in the Senate amendment a provision authorizing the owner, officer, any holder of a certificate of service, or other person whose conduct is being investigated, or any other person in interest to be represented by counsel at the investigation, to cross-examine witnesses and to call witnesses in his own behalf.

On amendment no. 5: This amendment limits, in connection with the issuance of certificates of inspection of passenger vessels, the acceptance of plans and certificates of the American Bureau of Shipping as evidence of structural efficiency, etc., to provide that such acceptance shall not be applicable where existing law places definite responsibility on the Bureau of Marine Inspection and Navigation. The House recedes.

On amendment no. 6: This amendment, in connection with the matter referred to in amendment no. 5 above, strikes out provisions in the House bill authorizing the acceptance of certificates of the American Bureau of Shipping certifying as to the adequacy of subdivision arrangements. The House recedes.

On amendment no. 7: This amendment provided for a flat fee for overtime work of an inspector, in lieu of the House provision for additional pay based on the daily pay. The Senate recedes.

On amendment no. 8: This amendment added a new section to the bill authorizing the appropriation of sums necessary to carry out the provisions of the act. The House recedes.

On amendment no. 9: This is a clerical amendment making the necessary change in section numbers to complement the addition of a new section made by amendment no. 8.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
ROBERT RAMSPECK,  
RICHARD J. WELCH,

*Managers on the part of the House.*

Mr. SNELL. Mr. Speaker, I would like to ask a few questions about this report. I think the gentleman from Virginia should explain it. I notice the Senate added nine amendments and that the House receded on all except one, which was to put the inspectors on flat pay instead of extra daily pay, very unimportant. It seems to me if the House had any bill at all, the conferees should have stood up for it a little. I would like to have the gentleman from Virginia explain why the House conferees receded on amendment no. 1.

Mr. BLAND. Mr. Speaker, amendment no. 1 was a provision that the seven supervising inspectors should be appointed by the Secretary of Commerce without regard to civil service. At that time it was considered by the House that in order to get men of the technical experience necessary we would have to go outside the civil service. The Senate



thought they should be under civil service and we concluded that efficient men could be gotten through the operation of the civil service.

Mr. SNELL. Will the gentleman from Virginia tell the House one possible argument anybody could put up to support the contention that steamboat inspectors could not best be selected by the civil service?

Mr. BLAND. We came to the conclusion that that would be the best way, so we receded.

Mr. SNELL. What reason supported the original House provision, just a purely political reason, or some other reason?

Mr. BLAND. The reason for the House provision was that we felt the men should have particular skill and qualification.

Mr. SNELL. They should have that, should they not?

Mr. BLAND. Yes.

Mr. SNELL. So we are in agreement on that.

Mr. BLAND. And we thought possibly they could be selected better without regard to civil service. That was the argument originally presented to the committee.

Mr. SNELL. Will the gentleman tell the House what argument was presented to the committee originally why you could possibly do it better by making a purely political appointment than by a selection based on experience and education along this line?

Mr. BLAND. The argument at that time made was not a political argument. The argument was that in the particular case of Captain Fried, who is one of the inspectors, that he could not be gotten through the civil service.

Mr. SNELL. There is one exception, and in the case of Captain Fried I presume the gentleman is right, although I do not know Captain Fried; but, as a matter of fact, there are thousands of these steamboat inspectors. I know men who have taken the examination, men who were experienced engineers and were qualified to do this kind of work.

Mr. BLAND. This amendment puts these supervisory inspectors under the civil service.

Mr. SNELL. If there is one service in the United States that should be under the civil service it is steamboat inspection. I do not believe anybody, anywhere, can give a good and sufficient reason for not taking them from the classified service.

Mr. BLAND. This amendment does not take them out of civil service. If the gentleman will read the section as it was originally reported he will see that it referred only to the seven supervisory inspectors, the men who were to be at the head of and in charge of these districts.

Mr. SNELL. The head men, the men in charge, should be more carefully selected than any other member of the whole service.

Mr. BLAND. I am delighted that the gentleman agrees with the managers on the part of the House in their recession.

Mr. SNELL. I agree with that position, but I do not agree with the way the gentleman is getting at the matter. He has not given any excuse to the House or any real reason why it should be done that way, and considering that the President has made the statement on several special occasions that the only way to get real efficient Government service is through the civil service, I do not see why you on that side of the aisle should continually come in here and make exceptions to the civil-service requirements.

Mr. BLAND. I am not aware that the gentleman who has charge of this bill did that.

Mr. SNELL. Does not Mr. Roper agree with your President with regard to that matter?

Mr. BLAND. Yes.

Mr. SNELL. Why not carry out what your President says to the people of this country is the only way to get efficient service?

Mr. BLAND. We are carrying it out on the representation of the civil service that they get sufficiently qualified men.

Mr. SNELL. No; because they are to be excepted from the requirements of the civil service.

Mr. BLAND. The recession on the part of the managers for the House puts them under the civil service.

Mr. SNELL. Oh, no.

Mr. BLAND. But it does. That was the very question in issue. When the bill was originally passed by the House it had language "without regard to the civil-service rules and regulations", and the section which would have excepted them from the civil-service rules and regulations was stricken out in the Senate; consequently they do come under the civil service.

Mr. SNELL. The gentleman stated he receded from his own position.

Mr. BLAND. We receded.

Mr. SNELL. Then the civil-service requirements will be strictly applicable to every one of these appointees?

Mr. BLAND. This only relates to the seven supervisory inspectors and the civil service applies to them.

Mr. SNELL. It applies to all of these employees clear down through the list then?

Mr. BLAND. It does not apply to the traveling inspectors.

Mr. SNELL. That is exactly what I say. It does not apply to the entire list, and according to the gentleman's own statement, he says it should be applied to all of them.

Mr. BLAND. Where exceptions have not been made.

Mr. SNELL. Those exceptions seven times out of eight are political exceptions. If there is one service in the United States where we should give careful, strict attention to the appointees, it is in the Steamboat Inspection Service.

Mr. BLAND. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### CHARLESTON ARMY BASE TERMINAL, CHARLESTON, S. C.

Mr. BLAND. Mr. Speaker, I call up the conference report on the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

The Clerk read the conference report.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3789) authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, South Carolina, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its amendment numbered 2.

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
RICHARD J. WELCH,

*Managers on the part of the House.*

ROYAL S. COPELAND,  
HIRAM W. JOHNSON,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

On amendment no. 1: This amendment, inserted by the House, provides that the deed authorized by the bill, to be executed by the Secretary of Commerce shall include a provision prohibiting the city of Charleston from transferring the title to the property conveyed in said deed to any person, firm, or corporation. The Senate disagreed to this amendment. The House insisted upon its amendment, and the Senate recedes.

On amendment no. 2: This amendment, inserted by the House, provide that if the property authorized to be conveyed by said bill should be taken over by the United States, with all improvements placed thereon, for the period of the national emergency, the taking over should be "without cost to the United States." The Senate disagreed to this House amendment, and the House recedes.

S. O. BLAND,  
WILLIAM I. SIROVICH,  
RICHARD J. WELCH,

*Managers on the part of the House.*

Mr. BLAND. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.



The conference report was agreed to.  
A motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOOD. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Wood]?

Mr. SHORT. Mr. Speaker, reserving the right to object, I would like to have 5 minutes following the address of my colleague, the gentleman from Missouri [Mr. Wood].

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Wood]?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes at the conclusion of the remarks of the gentleman from Missouri [Mr. Wood].

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. Short]?

There was no objection.

Mr. WOOD. Mr. Speaker, I desire to address myself this morning to the question of farm-tenant legislation. In the Seventy-third Congress I introduced a bill providing that the Government shall finance farm tenants in the acquisition of farms. I am told that was the first bill of this kind introduced in the Congress since the passage of the homestead law. The bill was introduced on June 4, 1934, and on February 12, 1935, I introduced a similar bill. On June 26, 1935, Senator BANKHEAD also introduced a farm-tenant bill, as did the gentleman from Texas [Mr. JONES], chairman of the House Agricultural Committee. The gentleman from Texas [Mr. JONES] introduced a companion bill to the Bankhead bill on March 26, 1935.

The Bankhead bill passed the Senate in the last session and has been pending in the Agricultural Committee of the House for just about a year.

Mr. Speaker, I care not who gets credit for the passage of this legislation. I think my bill is superior to the Bankhead bill, but in view of the fact that the Bankhead bill has passed the Senate and that the chairman of the Agricultural Committee of the House has introduced a similar bill, I am heartily in favor of the passage of the Bankhead bill. I think this type of legislation should be passed by the Congress before the adjournment of the present session.

Recently we had before the House the Frazier-Lemke bill, and the reason for objection to that bill by those who voted against it was that it provided for an expansion of the currency. Nothing like that is involved in the Bankhead bill or in my farm-tenant bill. This bill provides for expansion of the credit of our Government and, Mr. Speaker, when we consider that in the past 5 years there have been some seven or eight hundred thousand or 1,000,000 farmers who have lost their homes and farms under foreclosure we must realize that they have now joined the ranks of the farm tenants.

In 1935 some 54 percent of the farm acreage of the Nation was farmed by tenants. Needless to say, this percentage has greatly increased since 1928. In my own State some 39 percent of the farm acreage is farmed by tenants.

I am mighty proud of the fact that this administration, under the leadership of Franklin D. Roosevelt, has made a heroic effort for national recovery, but there is one element that has been entirely forgotten, and that is the farm tenant. Never has there been any legislation proposed since the enactment of the homestead law that directly affected the farm tenant or that gives him any chance to acquire a farm and a home of his own. Certainly, they have been the recipients generally of relief legislation, but there has never been passed any legislation that directly affects the farm tenant.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. WOOD. I wish the gentleman would wait until I get through with my remarks.

Mr. MOTT. I will defer my question.

Mr. WOOD. All right; go ahead.

Mr. MOTT. Is it not true that the Frazier-Lemke farm-mortgage refinancing bill proposed to help the farm tenant who had lost his farm by foreclosure when he was an owner? He came directly under the bill.

Mr. WOOD. Yes.

Mr. MOTT. The gentleman's statement was that no legislation had been proposed with that purpose in view up to date.

Mr. WOOD. Of course, my bill was proposed at about the same time the Frazier-Lemke bill was introduced in the Seventy-third Congress, and it is very true that under the Frazier-Lemke bill the farmers who had lost their farms in the past 3 or 4 years could reclaim them through the provisions of that measure, but originally it was designed to help the farm owner who was in debt, and that is perfectly all right. I was heartily in favor of that bill and did everything I possibly could to help pass the measure, but now that bill has been defeated.

Mr. COLDEN. Mr. Speaker, will the gentleman yield for a question?

Mr. WOOD. Yes.

Mr. COLDEN. In order to rehabilitate our population, not only on the farms but in the cities, should not any bill of the character of the bill the gentleman has introduced provide that people who have been lured from the farm to the city be included in the provisions of such a measure?

Mr. WOOD. Certainly. Of course, the Frazier-Lemke bill, as well as the Bankhead farm-tenant bill and my own bill, provides for the acquisition of homes for farmers, and the very foundation of our Republic, as well as the safety of our American institutions, depends upon the principle that every man should have a place he can call home.

I hope the Committee on Agriculture will report out the Bankhead bill and give the House an opportunity to vote on that most important piece of legislation. Certainly, in the light of the decisions of the Supreme Court on the National Industrial Recovery Act and the Agricultural Adjustment Act and the Guffey coal-stabilization measure, it is pretty hard to tell what Congress has the authority or the power now to do in the way of enacting remedial social legislation, but there is one power we still hold and that is to expand our credit—borrow money and lend money through the R. F. C. and the other agencies of the Government. So there can be no question about the constitutionality of this farm-tenant legislation, and while it provides for an expansion of the credit of the Nation, it likewise provides that the amortization of this credit shall be borne by the farmer who receives the benefit. So while it is expansion of the credit, it in no wise increases our obligation to pay interest or principal upon expanded credit or upon bonded indebtedness.

So there is no reason why we should not give these millions of farm tenants an opportunity to own their homes and farms which they are tilling. This makes for better citizenship and makes for a more secure Republic.

No one can talk communism or any of these new theories of government to a man who owns his home and is making a comfortable living. This is not the element that the "reds" and the Communists feast upon. The unfortunates who are without means of livelihood and without homes and without some security in their homes represent the type they can influence with their various types of radicalism.

So I think the most important piece of legislation now pending before the Congress is the farm-tenant measure, and I do hope that the Committee on Agriculture that has been holding this bill for a year, will report the measure to the House and give the House an opportunity to decide, one way or the other, whether we should give to these tenant farmers, by a proper measure of financing, an opportunity to own their own homes.

We have refinanced business. Oh, they say, that if the Government furnishes \$5,000 to refinance or purchase a farm that that is not good security. I say that a farm that a tenant purchases for \$5,000 refinanced by the Government is a better security than nine-tenths of the millions of dollars



that have been loaned by the Reconstruction Finance Corporation to business.

They have loaned money to business institutions that had no value; their stocks and bonds are nil. They were bankrupt.

I do not criticize the refinancing of industry. That was the proper thing to do. But we ought to relieve the farmer, especially the unfortunate farm tenants who are performing the majority of the great portion of tilling the soil and producing the necessary commodities of life.

Mr. MORITZ. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. MORITZ. Take the man who owns 20,000 acres of land and farms it out to the tenants. Are those tenants being protected under your bill?

Mr. WOOD. The Bankhead bill provides that the Government can loan the farm tenants the amount necessary to purchase a farm of the average size of farms in that State. What that may be in the gentleman's State would be, perhaps, a different size in my State. The farms in Missouri average about 125 acres.

Mr. MORITZ. Does it affect people who own too much land?

Mr. WOOD. My bill provides for a maximum of 80 acres. Under the Bankhead bill, in Missouri the tenant could acquire a farm of 125 acres. That is all right. Notwithstanding the provisions of the Bankhead bill, most Missouri tenants would acquire farms of not more than 80 acres.

Mr. MORITZ. Does your bill provide a strangle hold for those who own too much land?

Mr. WOOD. Neither my bill nor the Bankhead bill contain any provision whereby a man owning 10,000 acres could borrow any money. I think the Bankhead bill takes care of that matter in a very efficient way. I do not think it is possible for them to traffic under the Bankhead bill or my bill.

If there are any such loopholes in this legislation, we will have an opportunity to correct it in a few months when Congress meets again in January.

Certainly no initial legislation is ever perfect, but I do know that the Bankhead bill is a fine beginning, and I hope and trust that the very distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. Jones] will see to it that the Bankhead bill or his companion bill, or whatever they may work out as a substitute for the Bankhead bill, will be presented to this House so that we may get a vote on that legislation before the session closes. [Applause.]

The SPEAKER pro tempore (Mr. FLANNAGAN). The gentleman from Missouri [Mr. Short] is recognized for 5 minutes.

#### TRADING IN UNLISTED SECURITIES

Mr. RAYBURN. Mr. Speaker, will the gentleman from Missouri yield to me for a moment?

Mr. SHORT. Certainly.

Mr. RAYBURN. In order to make a short statement. The gentleman from Idaho [Mr. White], who objected a moment ago to the consideration of the bill S. 4023, to provide for the continuation of trading in unlisted securities upon national securities exchanges, and so forth, has withdrawn his objection. Therefore, Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4023, to provide for the continuation of trading in unlisted securities upon national securities exchanges, for the registration of over-the-counter brokers and dealers, for the filing of current information and periodic reports by issuers, and for other purposes.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the bill S. 4023, the gentleman from Idaho having withdrawn his objection. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That subsection (f) of section 12 of the Securities Exchange Act of 1934 is amended to read as follows:

"(f) Notwithstanding the foregoing provisions of this section, any national securities exchange, upon application to and approval of such application by the Commission and subject to the terms and conditions hereinafter set forth, (1) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to March 1, 1934; or (2) may extend unlisted trading privileges to any security duly listed and registered on any other national securities exchange, but such unlisted trading privileges shall continue in effect only so long as such security shall remain listed and registered on any other national securities exchange; or (3) may extend unlisted trading privileges to any security in respect of which there is available from a registration statement and periodic reports or other data filed pursuant to rules or regulations prescribed by the Commission under this title or the Securities Act of 1933, as amended, information substantially equivalent to that available pursuant to rules or regulations of the Commission in respect of a security duly listed and registered on a national securities exchange, but such unlisted trading privileges shall continue in effect only so long as such a registration statement remains effective and such periodic reports or other data continue to be so filed.

"No application pursuant to this subsection shall be approved unless the Commission finds that the continuation or extension of unlisted trading privileges pursuant to such application is necessary or appropriate in the public interest or for the protection of investors. No application to extend unlisted trading privileges to any security pursuant to clause (2) or (3) of this subsection shall be approved except after appropriate notice and opportunity for hearing. No application to extend unlisted trading privileges to any security pursuant to clause (2) or (3) of this subsection shall be approved unless the applicant exchange shall establish to the satisfaction of the Commission that there exists in the vicinity of such exchange sufficiently widespread public distribution of such security and sufficient public trading activity therein to render the extension of unlisted trading privileges on such exchange thereto necessary or appropriate in the public interest or for the protection of investors. No application to extend unlisted trading privileges to any security pursuant to clause (3) of this subsection shall be approved except upon such terms and conditions as will subject the issuer thereof, the officers and directors of such issuer, and every beneficial owner of more than 10 percent of such security to duties substantially equivalent to the duties which would arise pursuant to this title if such security were duly listed and registered on a national securities exchange; except that such terms and conditions need not be imposed in any case or class of cases in which it shall appear to the Commission that the public interest and the protection of investors would nevertheless best be served by such extension of unlisted trading privileges. In the publication or making available for publication by any national securities exchange, or by any person directly or indirectly controlled by such exchange, of quotations or transactions in securities made or effected upon such exchange, such exchange or controlled person shall clearly differentiate between quotations or transactions in listed securities and quotations or transactions in securities for which unlisted trading privileges on such exchange have been continued or extended pursuant to this subsection. In the publication or making available for publication of such quotations or transactions otherwise than by ticker, such exchange or controlled person shall group under separate headings (A) quotations or transactions in listed securities, and (B) quotations or transactions in securities for which unlisted trading privileges on such exchange have been continued or extended pursuant to this subsection.

"The Commission shall by rules and regulations suspend unlisted trading privileges in whole or in part for any or all classes of securities for a period not exceeding 12 months, if it deems such suspension necessary or appropriate in the public interest or for the protection of investors or to prevent evasion of the purposes of this title.

"Unlisted trading privileges continued for any security pursuant to clause (1) of this subsection shall be terminated by order, after appropriate notice and opportunity for hearing, if it appears at any time that such security has heretofore been withdrawn or if such security is hereafter withdrawn from listing on any exchange by the issuer thereof, unless it shall be established to the satisfaction of the Commission that such delisting was not designed to evade the purposes of this title or unless it shall appear to the Commission that, notwithstanding any such purpose of evasion, the continuation of such unlisted trading privileges is nevertheless necessary or appropriate in the public interest or for the protection of investors. On the application of the issuer of any security for which unlisted trading privileges on any exchange have been continued or extended pursuant to this subsection, or of any broker or dealer who makes or creates a market for such security, or of any other person having a bona-fide interest in the question of termination or suspension of such unlisted trading privileges, or on its own motion, the Commission shall by order terminate or suspend for a period not exceeding 12 months such unlisted trading privileges for such security if the Commission finds, after appropriate notice and opportunity for hearing, that by reason of inadequate public distribution of such security in the vicinity of said exchange, or by reason of inadequate public trading activity or of the character of trading therein on said exchange, such termination or suspension is necessary or appropriate in the public interest or for the protection of investors.



"In any proceeding under this subsection in which appropriate notice and opportunity for hearing are required, notice of not less than 10 days to the applicant in such proceeding, to the issuer of the security involved, to the exchange which is seeking to continue or extend or has continued or extended unlisted trading privileges for such security, and to the exchange, if any, on which such security is listed and registered, shall be deemed adequate notice, and any broker or dealer who makes or creates a market for such security, and any other person having a bona-fide interest in such proceeding, shall upon application be entitled to be heard.

"Any security for which unlisted trading privileges are continued or extended pursuant to this subsection shall be deemed to be registered on a national securities exchange within the meaning of this title. The powers and duties of the Commission under subsection (b) of section 19 of this title shall be applicable to the rules of an exchange in respect of any such security. The Commission may, by such rules and regulations as it deems necessary or appropriate in the public interest or for the protection of investors, either unconditionally or upon specified terms and conditions, or for stated periods, exempt such securities from the operation of any provision of section 13, 14, or 16 of this title."

SEC. 2. Any application to continue unlisted trading privileges for any security heretofore filed by any exchange and approved by the Commission pursuant to clause (1) of subsection (f) of section 12 of the Securities Exchange Act of 1934 and rules and regulations thereunder shall be deemed to have been filed and approved pursuant to said subsection (f) as amended by section 1 of this act.

SEC. 3. Section 15 of the Securities Exchange Act of 1934 is amended to read as follows:

"SEC. 15. (a) No broker or dealer (other than one whose business is exclusively intrastate) shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in or to induce the purchase or sale of any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, unless such broker or dealer is registered in accordance with subsection (b) of this section.

"(b) A broker or dealer may be registered for the purposes of this section by filing with the Commission an application for registration, which shall contain such information in such detail as to such broker or dealer and any person directly or indirectly controlling or controlled by or under direct or indirect common control with such broker or dealer, as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective 30 days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine.

"An application for registration of a broker or dealer to be formed or organized may be made by a broker or dealer to which the broker or dealer to be formed or organized is to be the successor. Such application shall contain such information in such detail as to the applicant and as to the successor and any person directly or indirectly controlling or controlled by or under direct or indirect common control with the applicant or the successor as the Commission may by rules and regulations require as necessary or appropriate in the public interest or for the protection of investors. Except as hereinafter provided, such registration shall become effective 30 days after the receipt of such application by the Commission or within such shorter period of time as the Commission may determine. Such registration shall terminate on the forty-fifth day after the effective date thereof unless prior thereto the successor shall, in accordance with such rules and regulations as the Commission may prescribe, adopt such application as its own.

"If any amendment to any application for registration pursuant to this subsection is filed prior to the effective date thereof, such amendment shall be deemed to have been filed simultaneously with and as part of such application; except that the Commission may, if it appears necessary or appropriate in the public interest or for the protection of investors, defer the effective date of any such registration as thus amended until the thirtieth day after the filing of such amendment.

"The Commission shall, after appropriate notice and opportunity for hearing, by order deny registration to or revoke the registration of any broker or dealer if it finds that such denial or revocation is in the public interest and that (1) such broker or dealer, or (2) any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), or any person directly or indirectly controlling or controlled by such broker or dealer, whether prior or subsequent to becoming such, (A) has willfully made or caused to be made in any application for registration pursuant to this subsection or in any document supplemental thereto or in any proceeding before the Commission with respect to registration pursuant to this subsection any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact; or (B) has been convicted within 10 years preceding the filing of any such application or at any time thereafter of any felony or misdemeanor involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer; or (C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has willfully violated any provision of the

Securities Act of 1933, as amended, or of this title, or of any rule or regulation thereunder. Pending final determination whether any such registration shall be denied, the Commission may by order postpone the effective date of such registration for a period not to exceed 15 days, but if, after appropriate notice and opportunity for hearing, it shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, the Commission shall so order. Pending final determination whether any such registration shall be revoked, the Commission shall by order suspend such registration if, after appropriate notice and opportunity for hearing, such suspension shall appear to the Commission to be necessary or appropriate in the public interest or for the protection of investors. Any registered broker or dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered broker or dealer, or any broker or dealer for whom an application for registration is pending, is no longer in existence or has ceased to do business as a broker or dealer, the Commission shall by order cancel the registration or application of such broker or dealer.

"(c) No registered broker or dealer, or any other person, shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest to prevent fraud, concealment, unfair discrimination, or manipulative or deceptive practices or otherwise to insure to investors protection comparable to that provided by and under authority of this title in the case of national securities exchanges.

"(d) Each registration statement hereafter filed pursuant to the Securities Act of 1933, as amended, shall contain an undertaking by the issuer of the issue of securities to which the registration statement relates to file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors, such supplementary and periodic information, documents, and reports as may be required pursuant to section 13 of this title in respect of a security listed and registered on a national securities exchange; but such undertaking shall become operative only if the aggregate offering price of such issue of securities, plus the aggregate value of all other securities of such issuer of the same class (as hereinafter defined) outstanding, computed upon the basis of such offering price, amounts to \$2,000,000 or more. The issuer shall file such supplementary and periodic information, documents, and reports pursuant to such undertaking, except that the duty to file shall be automatically suspended if and so long as (1) such issue of securities is listed and registered on a national securities exchange, or (2) by reason of the listing and registration of any other security of such issuer on a national securities exchange, such issuer is required to file pursuant to section 13 of this title information, documents, and reports substantially equivalent to such as would be required if such issue of securities were listed and registered on a national securities exchange, or (3) the aggregate value of all outstanding securities of the class to which such issue belongs is reduced to less than \$1,000,000, computed upon the basis of the offering price of the last issue of securities of said class offered to the public. For the purposes of this subsection, the term 'class' shall be construed to include all securities of an issuer which are of substantially similar character and the holders of which enjoy substantially similar rights and privileges. Nothing in this subsection shall apply to securities issued by a foreign government or political subdivision thereof or to any other security which the Commission may by rules and regulations exempt as not comprehended within the purposes of this subsection."

SEC. 4. Subsection (a) of section 17 of such act is amended by striking out "every broker or dealer making or creating a market for both the purchase and sale of securities through the use of the mails or of any means or instrumentality of interstate commerce", and inserting in lieu thereof "every broker or dealer registered pursuant to section 15 of this title."

SEC. 5. Subsection (a) of section 18 of such act is amended by inserting immediately before the comma following "any rule or regulation thereunder" the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 6. Subsection (c) of section 20 of such act is amended by inserting immediately before the period the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 7. Subsection (f) of section 21 of such act is amended by inserting immediately before the period the following: "or with any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title."

SEC. 8. Subsection (a) of section 23 of such act is amended to read as follows:

"(a) The Commission and the Board of Governors of the Federal Reserve System shall each have power to make such rules and regulations as may be necessary for the execution of the functions vested in them by this title, and may for such purpose classify issuers, securities, exchanges, and other persons or matters within



their respective jurisdictions. No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission or the Board of Governors of the Federal Reserve System, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason."

Sec. 9. Section 32 of such act is amended by striking out "Sec. 32." and inserting in lieu thereof "Sec. 32. (a)"; by inserting immediately before the comma following the phrase "filed under this title or any rule or regulation thereunder" the following: "or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title"; and by adding thereto a new subsection (b), to read as follows:

"(b) Any issuer which fails to file information, documents, or reports pursuant to an undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title shall forfeit to the United States the sum of \$100 for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under subsection (a) of this section, shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States."

Sec. 10. All brokers and dealers for whom registration is in effect on the date of enactment of this act in accordance with rules and regulations of the Commission prescribed pursuant to section 15 of the Securities Exchange Act of 1934 shall be deemed to be registered pursuant to section 15 of such act, as amended by section 3 of this act.

Sec. 11. Nothing in this act shall be deemed to extinguish any liability which may have arisen prior to the effective date of this act by reason of any violation of section 15 of the Securities Exchange Act of 1934 or of any rule or regulation thereunder.

Sec. 12. This act shall become effective immediately upon the enactment thereof; except that clause (2) of subsection (f) of section 12 of the Securities Exchange Act of 1934, as amended by section 1 hereof, and subsections (a) and (d) of section 15 of such act, as amended by section 3 hereof, shall become effective 90 days after the enactment of this act, and that clause (3) of said subsection (f), as amended by section 1 hereof, shall become effective 6 months after the enactment of this act.

With the following committee amendments:

Page 4, line 25, strike out "heretofore been withdrawn or if such security is hereafter" and insert the word "been."

Page 7, line 6, after the words "pursuant to", insert "clause (1) of."

Page 9, line 14, after the words "or dealer", insert "whether prior or subsequent to becoming such."

Page 11, strike out lines 12 to 24, inclusive, and insert:

"(c) No broker or dealer shall make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security (other than commercial paper, banker's acceptances, or commercial bills) otherwise than on a national securities exchange, by means of any manipulative, deceptive, or other fraudulent device or contrivance. The Commission shall, for the purposes of this subsection, by rules and regulations define such devices or contrivances as are manipulative, deceptive, or otherwise fraudulent."

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to; and the bill as amended was ordered to be read the third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. The gentleman from Missouri [Mr. SHORT] is recognized for 5 minutes.

#### GOVERNOR LANDON, OF KANSAS

Mr. SHORT. Mr. Speaker, it is absolutely inexcusable and wholly indefensible that any member of the President's Cabinet should at the same time act in the capacity of chairman of a great national committee, regardless of the political party to which he belongs. I was amazed this morning to read in the Washington Post a special dispatch from Grand Rapids, Mich., stating that last night Postmaster General Farley, who is also chairman of the Democratic National Committee, acting as chief dispenser of patronage, who is now ignoring his official duties and making trips all over the country in his private car while receiving the salary of the Postmaster General to defray his campaign expenses in trying to resell the New Deal to the people, referred to Governor Landon as "the Governor of a typical prairie State", and further went on to say:

I am not, of course, in possession of exact knowledge of why the Republican Party chooses to put him on a pedestal, but if I were permitted to guess, I would be inclined to believe that it was because he was elected Governor of a typical prairie State \* \* \*

The clear and unmistakable insinuation of this, with his other statements, and the only inference or logical conclusion which can be deduced is that a citizen, or even a Governor, of "a typical prairie State" has such limited capacities and narrow vision as to disqualify him for the Presidency. Too bad for the people on the prairies!

Mr. Speaker, I want it thoroughly understood that as a Republican I am not advocating the candidacy of Governor Landon or any other individual as our nominee for the Presidency of the United States, because I am well aware of the fact that we have at least 100 men in the Republican Party eminently qualified for that high office.

Mr. WHITE rose.

Mr. SHORT. I refuse to yield in my limited time. If the gentleman from Idaho could answer questions as well as he can ask them, he would be a marvel. I do, as a citizen of a great prairie State, resent the slur and the slam which the Postmaster General has cast upon the citizens not only of the great prairie State of Kansas, but of the States of Oklahoma, Iowa, Minnesota, Missouri, Illinois, Indiana, and every other great prairie State of the Middle West. [Applause.] He asks who in the world was Alf Landon, and who knew anything about him 2 years ago. I retort, who in the name of God ever heard of Jim Farley 2 years ago? Of course, we knew he was a prize-fight promoter in New York, which fits him admirably to be Postmaster General, and we know now that he is deliberately employing brutal prize-fight tactics in attempting to Tammanyize this country. I admit that Alf Landon was born in a modest home of humble but of honest parentage. He was not born in a mansion of an illustrious family whose name was widely known. He was not born with a silver spoon in his mouth and educated by private tutors; from childhood he had duties to perform, responsibilities to shoulder, and was educated as other children in our public schools. When he goes fishing, being so plain and simple, he gets a cane pole and a can of worms instead of taking a trip on a million-dollar yacht of some social high light.

Mr. EKWALL. And he gets some fish, too.

Mr. SHORT. And he generally brings home the bacon. I know Alf Landon. I like and admire him. He lives only 60 miles west of my district. He is a man of unimpeachable integrity, of unquestioned honor, conscientious and faithful in the discharge of his duties, tireless and efficient in his work for the public good. In public and private life his character is above reproach. The only thing wrong with Alf, according to ruthless Boss Farley, is that he is "the Governor of a typical prairie State." If only he came from Hyde Park or New York City!

Maybe Big Jim is correct when he charges that Governor Landon is "a man destitute of experience", but the taxpayers of Kansas will remember that he, as twice Governor of the Sunflower Commonwealth, during the trying years of this depression, has cut the cost of State government, reduced taxes at the same time, and balanced the budget annually. And the taxpayers of New York will never forget that Franklin Delano Roosevelt, during the years of greatest prosperity, was inaugurated Governor of the Empire State with more than \$80,000,000 surplus in the State treasury, but left it with more than \$95,000,000 deficit. What Mr. Roosevelt has done since he became our first and last king the American people can never forget.

Strange, is it not, that the New Dealers already see the handwriting on the wall and begin attacking a prospective Republican candidate, even before he is nominated? Jim Farley fears not only Alf Landon's record of outstanding ability and rugged honesty but also his practical political sagacity and his popularity with the masses to which he belongs. The common people know that Landon has common sense and does what he promises to do.

Mr. Speaker, in 1932 I made about 20 or more speeches in Kansas for Alf Landon when he was first elected Governor, and the remarkable thing is he was elected in spite of my speeches, and in 1934 was reelected, when practically the entire Nation went overwhelmingly Democratic. Could Mr. Farley be afraid of the Governor's vote-getting ability?



However, I am not here to eulogize Governor Landon or to extol his virtues and accomplishments. He needs no assistance of mine, and I am not advocating his candidacy. Nevertheless, I shall defend him or any other prospective candidate on my ticket from scurrilous and unwarranted attacks. This outburst of Farley plainly shows that the New Dealers are panicky, for they realize this early in the game that whomever the Republicans nominate will sweep the country this November, as Democrats join Republicans in saving the Constitution and preserving America.

One thing I can assure the present ex-officio Postmaster General and chairman of the Democratic National Committee is that Alf Landon has honestly made a success of his own business, and as Governor for two terms of the great State of Kansas he has made a most enviable and remarkable record [applause] by keeping the promises he made and the platform upon which he was elected. [Applause.] He is not exactly like some men I know who care no more for their word than a tomcat cares for a marriage license in a back alley on the blackest night. [Applause.] Perhaps Mr. Farley thinks that because the people out in the Midwest live in the prairie States, as did Lincoln, who was never heard of very much before his elevation to the Presidency, they are all dumbbells, freaks, rubes, and hicks. I will admit that they go astray occasionally. We are prone to human weakness, and every 20 years we go crazy and cockeyed with the rest of the country. Kansas did that in 1916 when her people voted the Democratic ticket, because that party "kept us out of war." Kansas did it four years ago because her citizens were lured astray by New Deal promises. But you can fool us only once in 20 years. That may be our fault; but to fool us again—ah, my friends, you cannot fool us all the time, even though we live in prairie States. We are going to have another change this November. [Applause.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. LUCAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUCAS. I should like to know whether the gentleman from Missouri [Mr. SHORT] was making Landon's nominating speech? [Laughter.]

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 537. An act for the relief of C. O. Meyer;

S. 925. An act to carry into effect the findings of the Court of Claims in the case of William W. Danenhower; and

S. 1360. An act for the relief of Teresa de Prevost.

The message also announced that the Senate had adopted the following concurrent resolution, in which the concurrence of the House is requested:

#### Senate Concurrent Resolution 38

*Resolved by the Senate (the House of Representatives concurring).* That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January next.

The message also announced that the Vice President had appointed Mr. BARKLEY and Mr. NORBECK members of the Joint Select Committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments", for the disposition of executive papers in the following departments, viz: Department of State, Department of the Treasury, Department of War, Post Office Department, Department of Agriculture, Department of Commerce, Veterans' Administration, Federal Trade Commission, Federal Reserve Board, United States Employees' Compensation Commission, Civil Service Commission.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate nos. 46 and 87, further insists on its amendments

nos. 24, 53, and 54 disagreed to by the House to the bill (H. R. 10630) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1937, and for other purposes", asks a further conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. McKELLAR, Mr. THOMAS of Oklahoma, Mr. NYE, and Mr. STEIWER to be the conferees on the part of the Senate.

#### FLOOD CONTROL ON THE MISSISSIPPI RIVER

Mr. DRIVER. Mr. Speaker, I call up House Resolution 516.

The Clerk read as follows:

#### House Resolution 516

*Resolved,* That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3531, an act to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928. And all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Flood Control, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. DRIVER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RANSLEY] one-half of the time—30 minutes.

Mr. Speaker, I yield myself 10 minutes.

The adoption of the rule just read by the Clerk will make in order the consideration of the bill (S. 3531), which is prepared for the purpose of extending and completing the adopted project on the Mississippi River under the law of May 15, 1928. To those Members who were in the House at the time the bill was passed, the explanation I expect to make here will give very little information, but there is a large membership not here and possibly does not understand the Mississippi River project.

This map before you reflects only that portion of the Mississippi River in the alluvial valley extending from Cape Girardeau in Missouri to the Gulf of Mexico. That area comprises 20,000 square miles plus. The adopted project was designed to protect fully and adequately 12,000,000 acres of that land. The other portion of the area is comprised within the border line of Louisiana which cannot be protected. The backwater areas as marked in a heavier shade of green on this map which are at the intersection of the Mississippi River tributaries within the alluvial valley, together with the lands in the floodway, provided in the engineering plan which was adopted under that act, and an unprotected area in the State of Tennessee and a small area in the State of Mississippi which, because of the character of development entering into the value of the land there, may not be economically justified to levee.

From Cape Girardeau to the Gulf of Mexico it is 1,100 miles. From the date of construction of the first levee designed to protect the then founding city of New Orleans, in Louisiana, in 1717, the people of the valley have struggled to protect themselves against what was practically a major overflow every 5 years, and more frequently a minor overflow of that river. Those overflows come from waters between the Allegheny and the Rocky Mountains, and comprise 41 percent of this Nation's area, embracing all of parts of 31 States and part of two Canadian Provinces. That enormous watershed with its run-off made the situation in the valley very critical from the very beginning of development.

The levee construction beginning at that early period was an individual enterprise on the part of the local landowners. This continued until about 1880, when this area was organized into local taxing units under their State laws and levied assessments upon all of the property within the alluvial area;



issued bonds based upon the revenues inuring to those taxing units from the betterments assessed on the land, and started in an organized way to construct their levees. But as rapidly as the people in the valley were able to expend their money on these levees the development in this enormous watershed, comprising the Missouri River and its tributaries, the upper Mississippi and its tributaries, the Illinois and Ohio Rivers, gradually increased the run-off from that watershed, until we found ourselves loaded with the burden of the bonded debt, yet unable to fend against the ever-increasing flood heights, due to that accelerated run-off. So in 1917, under an act of Congress, the Government contributed in an effort to build these levees to a certain grade and section which at that time was thought to be sufficient to fend against any flood that was possible in that stream. That same contributing system continued under the amended act of 1923, and the levee construction continued, and in fact was the only means that we then relied upon to afford protection to that valley against this enormous volume of water which was imposed upon the channels of the lower Mississippi River.

In 1927, however, we suffered an unusually heavy flood in the Mississippi Valley. It broke through our defenses practically all the way from Cairo to the Gulf of Mexico. It destroyed many of the levees we had built during the course of all these years. It wrought an enormous destruction of property and of human life, and rendered 700,000 people homeless. It forced us to bring these people out of the valley onto high ground and care for them until the flood had passed. It awakened the country. As a result, the Flood Control Act of 1928 was passed by the Congress. That act was in conformity with the recommendations of the then Chief of Engineers, Gen. Edwin Jadwin, who recommended the construction of levees to a larger grade and section all the way through the valley; and in addition he recommended the auxiliary treatment of diversion for the protection of the city of Cairo in Illinois and its 30,000 inhabitants, just south of Cairo in the State of Missouri, 40 miles in length and 5 miles wide which would reduce the flood crest of the combined Mississippi, Missouri, and Ohio River waters so that that city could safely maintain a levee system for its protection. From there south to and including the vicinity of Arkansas and the White River tributaries, levees alone were designed to afford protection. South of the confluent point of the Arkansas and the White Rivers a diversion was recommended through which 1,000,000 cubic feet of water would be taken from the main channel and carried down to a point in the vicinity of the head of the Atchafalaya River in Louisiana.

[Here the gavel fell.]

Mr. DRIVER. Mr. Speaker, I yield myself 5 additional minutes.

Mr. Speaker, the diversion at that point would carry through and follow the course indicated by the marker. This diversion would cover slightly more than 1,000,000 acres of land, the larger portion of which is highly developed, in the possession of enterprising people and farmed every year.

In order to effect the crevassing of the levees and bring the water out of the main channel into the floodway, a system of fuse-plug levees was recommended by General Jadwin and was responsible for delay in the execution of this project. The fuse-plug levee means a low section of levee which was designed to crevasse and carry the water out by natural means instead of by controlled and regulated structures; and then when thrown into this valley it would absolutely destroy everything beyond it.

They started on the execution of the project and with the exception of the large floodways the work has progressed to a point where practically the levee systems have been completed but nothing done on the floodways. Because of the dangers inherent in that plan, in 1931 the Flood Control Committee reported to this House a resolution requesting a review and a more thorough investigation into the adopted project and its engineering features. As a result there was

gathered together one of the most expert bodies of men that ever served this Nation. They spent 3 years making a thorough investigation into every feature of the adopted engineering project, and a year ago they brought this Congress their recommendation, and this recommendation is the foundation on which the pending bill was constructed. There are some differences. They changed the diversion from a point near the Arkansas and White Rivers and brought it south of that. Instead of there being 65 miles of fuse-plug levees they leave only 35 miles and afford protection of the affected lands by levees.

In this changed diversion, using but about 60 percent of the amount of land required by the originally proposed floodways, they propose to take through the diversion basin 1,000,000 extra cubic feet of water. That means 1,500,000 cubic feet of water will be taken out at a place called Morganza and head of the Atchafalaya River and carried through the Atchafalaya Basin, which is 150 miles nearer the Gulf than to follow the course around by New Orleans. In this bill is contained that recommendation with one exception. Section 5 of the bill carries with it the construction of a riverside reservoir at a point in the White River backwater area and the inclusion of the St. Francis and the Yazoo systems, the only two rivers that flow entirely within the alluvial valley.

The basis for the Government's assumption of the obligation of providing these structures to protect the valley from the floods was that the local residents had expended \$292,000,000 on the existing structures that enter into this plan, and they felt that that was a sufficient contribution to justify the Government obligation. At that time no consideration was given to these interior streams, although the people within the St. Francis and the Yazoo Valleys had paid equally, also those living in the particular White River project. Every acre of land in those areas had paid equally with every other acre of land that was protected under the provisions of that law. [Applause.]

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. MARTIN].

Mr. MARTIN of Massachusetts. Mr. Speaker, the problem of eliminating the damage which comes from floods must necessarily appeal to every Member of the House. We all want to save property and life. I do not question the merits of this particular proposition. My purpose in rising is to question whether it is advisable at this time to make this large authorization of \$272,000,000. If we do not now realize it we will very soon appreciate that before we get through with the flood problem it is going to cost the Government billions of dollars.

Relief from floods is not only one affecting only the Mississippi Valley, but applies equally well to the New England States, the Ohio River Valley, Pennsylvania, and New York. They are all interested in this great problem of protection of life and property from flood. Mr. Speaker, I maintain we must consider this great subject in a comprehensive way. There is no real reason why a special bill, which affects only three States, should be considered. Why not wait until the complete program, which is pending in another branch, comes before us, and then we will have the full picture.

There is another point I want to stress. We should not go ahead and expend millions that may eventually end in useless waste. There is a reasonable doubt as to whether the flood-control problem should be best solved through spillway construction or reservoirs. The President has appointed a commission of inquiry, and a report, I understand, probably will be available in December. So I ask, why commit the Government to a program running several years and requiring a huge expenditure which might be regretted later? Furthermore, it is not necessary. We have been spending about \$35,000,000 a year for the relief of the Mississippi Valley, and at present there is an unexpended balance of \$53,000,000 available for the work. Surely the situation will not become more acute if we do not pass this



bill today. Let us wait and see what it will cost in the Ohio Valley, in New England, and the other States. Let us see what the whole program will cost.

Mr. Speaker, I am reminded of a statement that was made yesterday by the distinguished gentleman from Texas [Mr. BUCHANAN], who is chairman of the great Appropriations Committee. Said the gentleman from Texas [Mr. BUCHANAN]:

Furthermore, if we are to start on a general policy of conservation throughout the Union, I believe in equal opportunity and equal grants, if you want to call it that, or equal advantages, for every section in conserving its natural resources, and not have just one section picked out and favored.

Those are the words uttered by the gentleman from Texas [Mr. BUCHANAN] in discussing the Interior Department conference report.

Mr. SHORT. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Missouri.

Mr. SHORT. Of course, the gentleman will realize that the present bill is really an integral part of the original flood-control plan of the Mississippi Valley as covered by the act passed in 1928. The reason for the passage of that act was because the local interests in the Mississippi Valley from Cape Girardeau to below New Orleans had contributed \$292,000,000. This bill covers the Yazoo and St. Francis Basins, and the backwaters of the White River, included in the general program, and those districts have contributed their share but have received absolutely no benefit up to the present time.

Mr. MARTIN of Massachusetts. The gentleman understands, of course, that the Government is now asked to contribute for the right-of-way, whereas previously that expense was borne by the local communities.

Mr. SHORT. I understand that; and the district represented by our colleague the gentleman from Mississippi [Mr. WHITTINGTON] has been assessed a tax, and they no longer bear the expense.

Mr. MARTIN of Massachusetts. I cannot agree with the gentleman from Missouri [Mr. SHORT]. A new policy is being established here, and it is time for the Members of the House to consider whether they want to adopt this particular policy or not. I say when we adopt a new policy we should take into consideration that we are going to have a great flood problem presented to us eventually; so let us take the whole matter up at one time and not by piecemeal. That is fair, and it is right, and that is what we ought to do.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. Will the gentleman restate what the new policy is?

Mr. MARTIN of Massachusetts. Previously the local government contributed and paid for the right-of-way, whereas under this bill that expense will be borne by the Federal Government.

One of the great difficulties we are experiencing as a nation at the present time is that there are two or three different agencies spending money in the same field, as was stated very fully by the gentleman from Texas [Mr. BUCHANAN] in his speech of yesterday. You cannot have a consistent financial policy, you cannot bring the Budget into balance, and you cannot put this country on a sound financial basis until this power is vested in the Congress and Congress alone. The responsibility must be fixed. You cannot help by bringing in piecemeal legislation. Legislation must be brought in in a comprehensive way covering the whole problem. Let us give every section its fair share and proceed in an orderly, businesslike way to consider a great national problem.

Mr. Speaker, for the above reasons I hope the bill will be defeated. It may be said this only involves \$300,000,000, some will consider this just a bagatelle, but some day the American taxpayers are going to wake up to the fact the Treasury has been depleted and can be refilled only through back-breaking taxes. The Mississippi work will go ahead.

There is now an unexpended balance of over \$53,000,000 to carry it on. Let them go ahead with that amount of money until the needs of all sections are determined.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. Is it not true, and the gentleman will find it is true if he cares to investigate, that while that amount has not been expended it is practically all obligated?

Mr. MARTIN of Massachusetts. It is part of the program and it will take all of this year to use up that amount of money.

Mr. WHITTINGTON. This includes the appropriation for the current year.

Mr. MARTIN of Massachusetts. They cannot spend \$53,000,000 in the rest of this year?

Mr. WHITTINGTON. No.

Mr. MARTIN of Massachusetts. Is that not enough to spend in one part of the country until we determine what the program of the Government is going to be?

Mr. WHITTINGTON. There was only appropriated \$15,000,000 for this year, and that is obligated.

Mr. MARTIN of Massachusetts. There is plenty of money available to go head with the project. Now let us stop any further commitments for several years ahead and wait until we see what the report of the committee of inquiry will be. That is the fair and honest thing to do. I hope the attitude of the House today will be to defeat this bill at this time.

[Here the gavel fell.]

Mr. RANSLEY. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CARLSON].

Mr. CARLSON. Mr. Speaker, we have heard a very fine explanation of the Mississippi Valley flood-control problem from the distinguished gentleman from Arkansas [Mr. DRIVER], and I do not know anyone who would be better qualified to outline the problems of that valley than the gentleman from Arkansas who has previously spoken. He has been on the Flood Control Committee for years. He understands the problem.

It has been my privilege to serve on that committee during the last session of the Congress, and at the last session we held extensive hearings on this very project, which are available. This is a far-reaching project, and I do not want to come before the House this afternoon and have anyone feel that I do not realize that this is a great problem that affects this particular section of our Nation. Under the act of May 15, 1928, we accepted this as a national problem, and we are going to continue to take care of that section. There is no question about that, but we bring in here today an amendment to that act which greatly increases our national responsibility in this area, and I believe we are bringing it in at a time when we are about to change the method of flood control in this country. I believe in the near future we are going to develop a comprehensive program of flood control which will originate at the source.

What is this bill? This bill is a floodway bill. The gentleman from Arkansas [Mr. DRIVER] has ably demonstrated the problem of this large section through here [indicating]. This is known as the Eudora floodway. What do we do at Eudora? In reality we make a new floodway, a new spillway, or in reality a new river, if you want to call it that, practically 10 miles wide, at a cost of \$103,000,000. Why do we do this? In order to protect this valley against the superfloods; not a flood like that of 1927, which was the greatest that has ever been recorded on the Mississippi River, but a flood 27 percent greater than the 1927 flood. The engineers in their testimony stated that we might have such a flood once in 125 to 250 years.

The question is whether we should at this time go ahead and erect these spillways and floodways when I believe—and I think the country believes—we are going to have a change in our method of flood control.

Now, you may ask what do we have to offer in the place of this floodway. I am going to make some suggestions,



and I am going to back them up by the testimony of the engineers. They are not my statements, but statements of competent Government engineers.

In the first place, the distance by the regular channel from the mouth of the Arkansas River to the Red River is 373 miles. By the establishment of bend cut-offs, which are now in existence, or which they have been constructing in the last 2 years, they have reduced this distance to 273 miles. Think of it! A 100-mile reduction in the distance by bend cut-offs. What does this mean in connection with the floodwaters of this area? General Ferguson has testified before our committee that it means a reduction of several feet in the floodwater. General Markham admitted it would be a reduction of 2½ feet in that territory, and I am going to read for your information a statement made by General Ferguson.

Now, who is General Ferguson? He is the president of the Mississippi River Commission and is the man who is in charge of this work right now, representing the Chief of Engineers, in constructing these projects; and on April 8 of this year he made a statement at New Orleans, and I am quoting a portion of it from the Times-Picayune of that city:

We have obtained results we can measure now to the point where we know we can make the Mississippi River use its own energy to straighten its banks and keep them straight where they need straightening; to build sandbanks where they are needed and cut them away where they should be removed; to carry its own load of water and solid material in solution to the sea much faster than ever before.

Now listen to this:

I believe we have the answer to the river problem this Nation has been trying to solve for more than a century. I see no need for the lower valley to worry about the river any more, and I see every reason for the people of the lower valley to go about their daily affairs with the thought of any danger from the river completely dismissed from their mind.

This is the statement of General Ferguson.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. I would rather not yield until I have concluded my statement.

Mr. WHITTINGTON. I am sure the gentleman wants to quote General Ferguson correctly, and I simply want to call his attention to the telegram he sent the committee.

Mr. CARLSON. I refuse to yield now, Mr. Speaker. I shall be pleased to yield later on.

I have mentioned the bend cut-offs. We have proved this will reduce the floodwaters of this river at least 2½ feet, and some engineers say as much as 5 feet.

We have another proposal that we believe will reduce the floodwaters throughout this area, and that is by the construction of reservoirs on tributary streams.

A report has been made on 13 reservoirs on the Arkansas River and 13 on the White River, a total of 26 reservoirs. These reservoirs cost \$126,000,000. Remember, now, that the Eudora floodway costs \$103,000,000. These reservoirs, according to the testimony of General Markham, will reduce the flood flow or the flood stage more than 4 feet. Some engineers have estimated it at more than that, but General Markham says it will be over 4 feet.

Now, at a cost of \$126,000,000 we get a reservoir system, which is much more valuable than a floodway—and who knows what the economic value of these reservoirs throughout this midwestern section and how much more important are they than the difference between \$103,000,000 and \$126,000,000?

Please do not think for a moment that I want to create the impression that these 26 reservoirs will reduce the flow of water as much as the Eudora floodway. They will not; but bear in mind that this floodway is built for a super-flood, a flood we have never had and do not expect to have and hope we shall never have.

But consider the economic value of the 26 reservoirs in the midwestern section.

Secretary Wallace has stated that we have 30,000,000 acres of land in the Middle West which is of great concern to our

National Government because of drought conditions. This is one way to protect the Mississippi Valley and save the central section of the United States from great droughts, and which concerns everyone.

It seems to me that at this time we should not go ahead and construct the Eudora floodway until we have had further study.

Let me read you a statement. My belief is that we should wait on this program. It is stated that we have \$53,000,000 unexpended for this work. Let us spend that before we authorize at least \$272,000,000 additional. I am quoting from the Associated Press under the date of April 20 of this year:

Starting an exhaustive study of the country's 15 major drainage basins, Interior Secretary Harold L. Ickes yesterday asked the co-operation of local authorities in preparing a National Resources Committee report on steps needed to prevent floods.

The statement referred to the National Resources Committee which is expected to report next December.

I think we should fully realize the great expenditure we are making—\$325,000,000.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. RANSLEY. I yield the gentleman 10 minutes more.

Mr. CARLSON. It is not my intention to use the 10 minutes, but I want in conclusion to ask Members of the House seriously to consider that before we authorize this expenditure if it does not think it would be policy on the part of the Federal Government to study further before carrying out this program? I sincerely believe that in the next 2 years the engineers in our Army will be recommending reservoirs for the control of these floods and that that will be beneficial throughout this section.

Mr. DISNEY. Will the gentleman yield?

Mr. CARLSON. I yield.

Mr. DISNEY. The engineers have recommended reservoirs on the White and the Arkansas Rivers, have they not?

Mr. CARLSON. That is correct.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. CARLSON. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I am much interested in the discussion by the gentleman, which has been exhaustive and learned. As I understand, there is no great necessity, no great emergency involved in this construction.

Mr. CARLSON. Personally, I do not think there is.

Mr. JENKINS of Ohio. This is an addition to and outgrowth of what we have done in the Mississippi Valley in improvements since 1927.

Mr. CARLSON. That is right.

Mr. JENKINS of Ohio. The gentleman has advanced something in which I am much interested, having stressed the difference between the policy involved in this construction and some other construction. I should like to ask if the gentleman had in mind the bill now pending in the Senate, and which they were discussing yesterday, and perhaps today, involving the expenditure to prevent floods in the Ohio Valley and in different parts of the country which were so disastrous 3 or 4 months ago?

Mr. CARLSON. I do have that in mind, and I think the bill which we passed in the last session of Congress was no doubt in the mind of the President when on January 30 of this year, in his message to Congress, he said:

We have grown accustomed to dealing with great rivers, with their problems of navigation and of power and of flood control, and we have been tempted to forget the little rivers from which they come.

Mr. JENKINS of Ohio. What does the gentleman think of this apparent conflict? As I understand it, the bill pending in the Senate, which has attracted Nation-wide attention—delegations from all parts of the United States having been here this week—is turning on the point of how much local residents will participate in the payment of improvements. That is a question which has been debated very bitterly and exhaustively in the Senate. It appears now that that is going to be the controlling factor. In other words, it is likely that they will come to the conclusion that there will be no improvements made anywhere tending to



prevent floods unless the local communities bear at least one-half of the expense of purchasing the land and providing for the damages. If that is the case, and we are to be confronted in a few days with that bill, after we have passed this bill, we will be in the position of being confronted with two diametrically opposed propositions. In other words, the people of one section of the country will have all of their damages paid by the Federal Government, while in other sections of the country they will compel people to pay one-half of the damages and one-half of the expense of the land.

Mr. CARLSON. I thank the gentleman for his contribution, and no doubt that will be brought out later in the discussion.

Mr. DISNEY. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. DISNEY. That bill, while it originally contained the 13 projects on the White and the Arkansas Rivers, does not now contain those projects or at least all of them.

Mr. CARLSON. That is correct. The Senate bill does not contain them all. The bill as it passed the House did contain those 26 projects. The bill has been amended in the Senate and is up for consideration today, and I understand that those projects will not be included.

Mr. DISNEY. That bill carries a provision which will make the communities contribute at least 50 percent of the cost.

Mr. CARLSON. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman permit me to ask a question of the gentleman from Oklahoma?

Mr. CARLSON. Yes.

Mr. JENKINS of Ohio. These dams and reservoirs to which the gentleman from Oklahoma refers as being in Oklahoma are in the White River Valley?

Mr. DISNEY. The White River and the Arkansas River.

Mr. JENKINS of Ohio. And what does this bill provide as to who shall pay for the damages and the land in that territory?

Mr. DISNEY. They are not in this bill. We propose to offer an amendment to put them in.

Mr. JENKINS of Ohio. What will the amendment provide with reference to that?

Mr. DISNEY. The same terms as in this bill.

Mr. JENKINS of Ohio. That is, the Government should pay all of it?

Mr. DISNEY. Yes.

Mr. JENKINS of Ohio. And if we should pass the gentleman's amendment and this bill with his amendment, and the Senate should pass the bill over there which they have agreed on so far as the damages are concerned, we will be confronted with this situation, that rights-of-way and damages incident to the construction of reservoirs in one section of the country will be paid for wholly at the expense of the Government, and in another section the communities will pay half of them.

Mr. DISNEY. Then it is up to the Congress to determine what is flood control.

Mr. DRIVER. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. DRIVER. The gentleman does not intend to say that the Government is paying all of the expense, particularly in respect to the operations on the Mississippi River. The gentleman is aware that the local people have contributed \$41,000,000 while this project is under execution.

Mr. CARLSON. That is correct. The gentleman makes a correct statement, and we must bear in mind, if we adopt this bill, the Government will furnish flowage rights on three floodways. They will furnish the reservoir rights-of-way mentioned in this bill; therefore I think we are advancing a new policy of flood control even in that area.

Mr. Speaker, I shall conclude by reading a statement of General Markham with regard to the expenditure of funds in the Mississippi Valley. This was made before the Senate committee and will be found on page 44 of the Senate hearings:

I do not think it is improper for me as Chief of Engineers to refer to the fact, quite anonymously, the more expenditure the Federal Government makes in the lower Mississippi Valley the more obligations it picks up. It seems to me as though Congress ought to know what the limit is.

I believe it is our duty to bear in mind the expenditures at this time.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. CARLSON. Yes.

Mr. WHITTINGTON. Is it not a fact that that statement was made before this bill was amended in the Senate so as to meet the very argument of General Markham included in that statement?

Mr. CARLSON. That is correct, but they have been only partially met.

Mr. WHITTINGTON. But he says it satisfies him. The general has stated to our committee and to the gentleman that that particular section to which that referred has been amended and he is satisfied.

Mr. CARLSON. That is correct. I yield back the remainder of my time.

Mr. DRIVER. Mr. Speaker, I have listened with considerable interest to the very fair statements presented by my colleagues from this side. I claim to be the original reservoir advocate for flood control, because I developed to the very best of my ability the influence of reservoirs on the minor streams as they would control the floodwaters in the Mississippi River. I find this to be true, that from the standpoint of reservoir control we are absolutely beyond the pale of recognition, and I do not believe that any Member of this House will seriously contend to the contrary. After thorough engineering investigation, headed by a man whom I know to be one of the most expert of those connected at any time with this wonderful aggregation of Army Engineers, Capt. William Kelly, it was found that it would cost \$1,120,000,000 to effectuate control of the floods in the Mississippi Valley that we are undertaking to deal with now on the basis of \$500,000,000.

Some allusion was made to the influence of reservoirs on the Arkansas and White Rivers. Those two rivers run right through my State. I do not take my hat off to a single man on this floor in my serious concern for the development and protection of the valleys of those streams. I want to see them protected, and I am ready to go to any reasonable extent to bring it about, but there is no use kidding ourselves about this matter. When we include the Arkansas and the White Rivers in this bill we might as well kick it out of the door. The strategy of the opposition to this bill will be to adopt amendments in order to effectuate that purpose. This bill cannot carry a greater load than it carries for the protection of the Mississippi alluvial area. The original project was designed for that purpose. It was separated from the other rivers of the Nation. Why? Because of the extraordinary burdens that were imposed upon that very narrow area by the great population and interests of approximately half of the Nation. If you place one hundred and twenty-six million additional dollars on this bill for reservoirs in the White and Arkansas Rivers, I dare any man to point to an engineering statement in this Record that does not say that, notwithstanding the expenditure of one hundred and twenty-six additional million, you will be forced to expend the same sum they recommend in this bill. Why? This is not disputed. If the flood of 1927 had been confined at Arkansas City, the junction of the White, the Arkansas, and the Mississippi, a difference of 12 feet would have occurred on the gage at that point. Take 4½ instead of 4.2 and take 2½ and you have 7 feet. You must have 5 feet more in order to avoid the use of the proposed floodway. It will cost just as much to put the floodway to carry that additional amount of water as it would under the estimate on this project. Then why load it down if it cannot effectuate the purpose?

This bill carries three projects within the valley. I just started to explain it to you previously when my time expired. I gave you the reason for the inclusion of these two. There is one project in the White River area. I want to make a brief explanation of that. The president of the Mississippi River Commission and the landowners affected,



who are extremely anxious to receive protection for 136,000 acres of land, which is developed, worked out with the president of the river commission, protection of that land for a riverside reservoir, the most effective on earth, containing a sufficient amount of water from the flood crest to make a desirable impression, a factor of safety at Arkansas City. The Chief of Engineers says that he did not recommend that project because of the law which requires one-third contribution on land of that sort, but it was the result of the directing force in the Mississippi Valley that that was worked out. These lands paid just exactly the same as every other acre of land in the St. Francis and Yazoo Valleys to the structures on the bank of the Mississippi River to protect these lands which do not afford any protection because of shutting off drainage and bringing the drainage from that area, which floods these channels until they cannot protect themselves. In the St. Francis those people paid \$11,000,000 in addition to what these people pay on the Mississippi River structures.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. JENKINS of Ohio. I am very much interested in the gentleman's discussion, because he indicates he knows what he is talking about. This other bill that we have talked about in the Senate seems to be a flood-control bill that is going to take care of projects more or less scattered all over the country. That is probably for the reason that this year was a very disastrous year for floods. However, in the Ohio Valley we have projects that have been approved by the Army Engineers, which call for the construction of a great many reservoirs. When those reservoirs are completed they will take 8 feet off of the flood crest of the Ohio River.

Mr. DRIVER. That is at Pittsburgh.

Mr. JENKINS of Ohio. No. Down in my section. I am coming to that. I mean down in my section. I live 250 miles below Pittsburgh. It will take 8 feet off of the crest of the Ohio River flood at that point. The gentleman recognizes that before that flood reaches our country it has gone through many towns and it has devastated a great many cities. Your territory is largely farm land. The territory which is damaged in our section includes cities and municipalities and higher-priced land. If this other bill is passed and the construction of these dams takes 8 feet off of the flood on the Ohio River, what effect will that have upon your area?

Mr. DRIVER. If all of the waters beyond Pittsburgh in the Ohio, beyond Minneapolis in the upper Mississippi, and beyond Sioux City in the Missouri were entirely removed from the river it would not make a difference of 12 inches in the flood crest anywhere south of Cairo; it does not have that effect. The most desirable reservoir site is in the Arkansas and White Rivers, where the cost is estimated at \$126,000.00. If you tried to get the same influence from the same number of reservoirs elsewhere you double the amount of money per reservoir.

Now, Mr. Speaker, hurriedly, the people in the Mississippi Valley have furnished the land for the levees. They have expended \$41,000,000 for this purpose in addition to the \$292,000,000 on which the national obligation was based since the 1928 act was placed in operation. The only place that the Government furnishes the flowage rights—not the land, but the flowage rights—is for the proposed floodways to divert from the river 1,000,000 feet below Arkansas City and 1,000,000 down at Morganza.

You talk about reservoirs; I should like to see them in every stream in the Nation. They have local social values beyond estimate; but can we wait on that with the menace of these floods that are likely to wipe out the valley again?

My colleagues from Massachusetts have that little wild river the Merrimack. That is a project in the bill now pending in the Senate and will be passed and put into execution at once by the engineers. Also, the Connecticut River and the rivers in Ohio and Pennsylvania—those emergent streams are the ones that must be taken care of. We cannot close

our eyes to these menaces; we are bound to provide for their control. We must realize the duty and the responsibility we owe to the people in these devastated areas, and treatment cannot be delayed in deference to impending dangers.

Mr. THOM. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. THOM. In the program so far carried out in the Mississippi Valley has any reservoir been built?

Mr. DRIVER. None whatever. Further, I may say that under the original authorization of \$325,000,000 for the Mississippi River flood project \$90,000,000 was for navigation and not flood control, and practically \$70,000,000 has been expended by the Government out of the \$325,000,000 authorization contained in the bill for such purpose.

Mr. THOM. May I continue my inquiry?

Mr. DRIVER. Yes.

Mr. THOM. I am to understand, then, that provision for the completion of the reservoirs in the Mississippi Valley project is contained in the bill?

Mr. DRIVER. The authorization for it; yes. If the engineers can see where they can shift from the levee system to the reservoir system they are authorized to do so; it is within their discretion and judgment.

Mr. THOM. Am I to understand further that the land for these reservoirs is to be furnished by the United States Government?

Mr. DRIVER. No; not in the St. Francis project; and in order to verify that I want to call on my colleagues from Missouri. Is it not a fact that the project provides that in the use of reservoirs the expense cannot exceed what the use of levees would require?

Mr. ZIMMERMAN. The gentleman is correct.

Mr. THOM. Let me call the gentleman's attention to page 3 of the bill, where reference is made to the St. Francis River. The language here is—

And the acquisition at the cost of the United States of all lands and flowage necessary to the construction of said reservoir.

Mr. DRIVER. Read further.

Mr. THOM. Except flowage of highways.

Mr. DRIVER. Read further and the gentleman will find that provision is made that it shall not cost the Federal Government one cent more than the levee system.

Mr. CULKIN. Mr. Speaker, will the gentleman yield?

Mr. DRIVER. I yield.

Mr. CULKIN. I notice the majority report refers to this bill as embodying the Markham plan.

Mr. DRIVER. Yes; General Markham, the present Chief of Engineers, made the report for the expert board that studied the subject for 3 years.

Mr. CULKIN. Does the Chief of Engineers recommend this plan in his report?

Mr. DRIVER. Absolutely; everything in this bill is recommended. This is an engineering plan we are adopting as a modification to the adopted project of 1928, except as to this feature here at White River, which was worked out with the executing commission, the Mississippi River Commission headed by General Ferguson; but because of the requirements of the law for one-third contribution on tributary streams he said he could not approve that project. He overlooked, however, the fact—and I want to impress this on the gentleman—that those lands were in exactly the same attitude as the other lands he recommended for inclusion in order to afford the protection they had paid for but were denied.

Mr. CULKIN. But the gentleman does say that General Markham specifically recommends the enactment into law of the pending bill?

Mr. DRIVER. He does. This is a bill to carry his recommendations into execution. Now, they talk about waiting. Gentlemen, we cannot wait on these matters. We cannot wait on the Merrimack. That is in the project bill. There is not one single project in that bill that was not recommended by the engineers and can fit in and coordinate with the complete treatment for the rivers from which they were gathered when it becomes necessary to deal in a compre-



hensive way with flood projects in connection with various streams.

Mr. RICH. Will the gentleman yield?

Mr. DRIVER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Does the gentleman mean to say that General Markham agreed to section 5 of this bill?

Mr. DRIVER. I made an express statement in regard to that matter and I believe every Member but my friend from Pennsylvania understood me. I pointed to the map, and I said he recommended everything except the White River project, and fully explained the circumstances connected with it.

[Here the gavel fell.]

Mr. DRIVER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on Monday next after the reading of the Journal and disposition of matters on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

Mr. SCHULTE. Mr. Speaker, reserving the right to object, Monday next is District day. We have never had an opportunity to discuss District bills.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

#### FLOOD CONTROL ON MISSISSIPPI RIVER

Mr. WILSON of Louisiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3531) to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries", and for other purposes, approved May 15, 1928.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3531, with Mr. FLANNAGAN in the chair.

The Clerk read the title of the bill.

The first reading of the bill was dispensed with.

Mr. WILSON of Louisiana. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the general purposes of the pending bill have been thoroughly stated and made clear. This bill is offered to complete an adopted project involving the greatest engineering problem ever undertaken by the United States Government or any other country. The purpose of the bill is to carry on to completion the project through the same organization that has carried on the execution of the project since 1879, when the Government joined in the work of flood protection on the Mississippi River. After the disastrous flood of 1927, the Federal Government assumed responsibility for protection of the alluvial valley of the Mississippi River, admitting and declaring that it was a national obligation. In that statement, of course, there was given as one reason for the final completion of these projects as a national obligation the fact that the local interests involved had spent \$292,000,000 since that time, and they have spent more than \$41,000,000 in cooperating with the Government since the adoption of the act of 1928.

When the 1928 act was passed, it was admitted and generally understood that there would probably be changes in the final execution of the projects, and that reexaminations and resurveys would be required. House Document No. 1 is the result of a resurvey and a reexamination which covers a period of 3 years. It shows a saving to the Government if the original projects had been carried out as recommended.

Mr. Chairman, when I had the honor of becoming chairman of the Committee on Flood Control of the House, I consulted with the Chief of Engineers and the Secretary of War, and prepared a resolution asking for a complete reexamination and review of the engineering features of the projects so that a recommendation might be made covering changes, if any, that should be made in final execution. Gen. Lytle Brown was then Chief of Engineers, and in a very aggressive way, he went forward with this work. He set up an independent board composed of Gen. Harley B. Ferguson, now president of the Mississippi River Commission; Col. George R. Spaulding, Corps of Engineers; and Mr. Marston, school of engineering, Iowa State College.

After continued work, and after the expenditure of some four or five million dollars, cutting off bends in the main channel of the Mississippi River, dredging and increasing the discharge of the water into the Gulf of Mexico through the Atchafalaya River, they came back, through the present Chief of Engineers, who aggressively went forward in the same way, and presented this report covering the final execution of that great project. Extended hearings have been had. I have worked in every way to get a thorough review of the matter. I have tried to get every fact before the engineering authorities. We have taken up the matter of floodways and reservoirs. I have done all this so that I could come to Congress with a frank statement on a great national problem. We have collected the data and now recommend legislation to complete this project.

After the report was submitted the differences that arose in the hearings were thoroughly discussed, first as to whether or not we might substitute reservoirs for the floodways. After the hearings the Chief of Engineers and the Mississippi River Commission still recommended that although you might construct reservoirs in the White and Arkansas Rivers, in connection with the flood of 1927, not the superflood, if the reservoirs were constructed and in operation, with channel enlargements by cutting off the bends in the river, it would still be necessary to use the Eudora floodway in case of a flood of 1927 volume, and in the superflood it would be necessary to carry out an even greater amount of water.

Mr. Chairman, there is no way to carry on this project to completion except as recommended and approved by the agency set up for its execution by the Government. We will either have to follow them or else we will get nowhere.

Mr. ANDRESEN. Will the gentleman yield?

Mr. WILSON of Louisiana. I yield to the gentleman from Minnesota.

Mr. ANDRESEN. Will the gentleman advise the Members of the House how much money was authorized in the act of 1928, and how much money has been spent out of this original authorization?

Mr. WILSON of Louisiana. Three hundred and twenty-five million dollars was authorized by the act of 1928, and all except about \$53,000,000 has been expended. About \$15,000,000 is now in allotment.

Mr. ANDRESEN. Have any reservoirs been constructed with that \$300,000,000?

Mr. WILSON of Louisiana. No.

Mr. ANDRESEN. Just floodways?

Mr. WILSON of Louisiana. No floodways have been constructed. There has been some levee construction, channel enlargement, and some \$80,000,000 or \$90,000,000 has been spent for improvement of the river for navigation purposes.

Mr. ANDRESEN. How much additional money will be required or does this bill carry by way of authorization to complete the program?

Mr. WILSON of Louisiana. Two hundred and seventy-two million dollars.

Mr. ANDRESEN. Will any additional funds be needed after the money that is provided in this bill has been expended?

Mr. WILSON of Louisiana. No; according to the recommendation of the engineers this will complete the project.



Mr. ANDRESEN. It was my understanding in 1928, when we authorized the expenditure of the \$325,000,000, that that would do the work down there.

Mr. WILSON of Louisiana. No; my friend is mistaken about that.

Mr. ANDRESEN. I was here and voted for it.

Mr. WILSON of Louisiana. The general estimate at that time for the final completion of the project was \$775,000,000, and I may also add that the \$325,000,000 referred to included some \$80,000,000 for improvement of navigation, and the gentleman cannot find anywhere one word of complaint about the expenditure of this money. It was expended for the very best purposes and in a most economical way.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes.

Mr. JOHNSON of Oklahoma. Is it contemplated under this bill that any reservoirs will be constructed, or is it proposed to spend all the money on the lower Mississippi in the building of dikes and levees and floodways?

Mr. WILSON of Louisiana. And on floodways; yes.

Mr. JOHNSON of Oklahoma. Is the construction of any reservoirs contemplated under the measure?

Mr. WILSON of Louisiana. No; except on the Yazoo and the St. Francis, and that is in the discretion of the Chief of Engineers.

Mr. JOHNSON of Oklahoma. Those of us who live on the upper reaches of the Mississippi are interested in flood control on the Mississippi, but we are also interested in flood protection on the Arkansas and other tributaries, and we feel this can be done only by the construction of reservoirs. We are interested in real flood control.

Mr. WILSON of Louisiana. I am too.

Mr. JOHNSON of Oklahoma. And we want to see some reservoirs started while we are spending this money.

Mr. WILSON of Louisiana. The statement was made, I believe, by the gentleman from Ohio, that this is not an emergency project. Mr. Chairman, the most important emergency in connection with this flood-control project is the Atchafalaya Basin. If you will notice this map you will see that these flood waters, whether they come down through the main channel or whether they come through floodways, from all the tributaries and all the streams that make up 41 percent of the area of the United States, they must accumulate at this point [indicating] and from that point down is the Atchafalaya Basin, to carry the water safely to the Gulf, a distance of 90 miles. I say that this project is more of an emergency than anything you can imagine with reference to flood control.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield myself 3 more minutes.

This is the only opportunity we have to carry this project to completion with the approval of the Secretary of War and the Chief of Engineers with respect to the engineering features and the allotment or expenditure of the money, because when the Senate first started out on this bill they put in a provision that there should be just compensation paid for the land flowage rights over the floodways. The Secretary of War sent up an unfavorable report because he said there must be a definite yardstick with respect to the expense.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. I yield.

Mr. GREEVER. Reference has been made to the amount of money that has been contributed by the districts or by the States contiguous to this flood-control area. How much money is that?

Mr. WILSON of Louisiana. Prior to the Flood Control Act of 1928, the local interests had spent \$292,000,000 in furnishing rights-of-way to construction work. Since then they have spent something over \$41,000,000 and they are still to furnish the rights-of-way for levee foundations on the main channel of the Mississippi River. So they have spent more than \$300,000,000.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield for a brief question?

Mr. WILSON of Louisiana. I yield.

Mr. JENKINS of Ohio. The gentleman stated a while ago that the original appropriation was \$320,000,000.

Mr. WILSON of Louisiana. Three hundred and twenty-five million dollars.

Mr. JENKINS of Ohio. Practically all of that money has been spent or allocated. Was it contemplated that the money appropriated at that time would be sufficient to complete the projects that were actually contemplated then?

Mr. WILSON of Louisiana. No; there was to be an allotment from year to year for levee construction and channel improvement.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. MILLER].

Mr. MILLER. Mr. Chairman, in the time allotted to me—

Mr. RICH. Mr. Chairman, I do not want to make a point of no quorum but I should like to ask the majority if they will not get Members in here to hear this important discussion. Here we have only about 50 Members on the floor of the House to hear this important legislation discussed.

Mr. BLANTON. Mr. Chairman, I make the point that there are only 18 Members on the Republican side.

Mr. RICH. And there are only 30 Democrats on that side. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and five Members are present, a quorum. The gentleman from Arkansas will proceed.

Mr. MILLER. Mr. Chairman, I should like to have the privilege of explaining some facts which I know the House is entitled to in regard to the flood-control problems of this country. I am as much interested in the solution of the flood-control problem as any man can be and I am doubly interested to see that it is solved in a proper and constructive manner. I do not intentionally mean to make any misquotations. I should like to have the attention of the House in order that they may see what we are doing.

This bill deals with the middle section of the Mississippi River from the mouth of the Arkansas and White Rivers south.

Primarily it is based on the report of General Markham in Committee on Flood Control Document No. 1, House of Representatives, Seventy-fourth Congress, first session, which modifies the original Jadwin plan adopted in 1928, when \$325,000,000 was authorized for work on the Mississippi flood-control problem.

In addition, here is what we do. Under one section of this bill we appropriate \$48,000,000 to take care of the Yazoo River system, to build seven reservoirs on the Yazoo. We appropriate \$16,000,000 for work on the St. Francis, which may be expended for levees or for reservoirs.

For the Yazoo all expenses for reservoirs are to be paid by the Government except damages to highways.

In other words, \$16,000,000 is to be expended on the St. Francis Basin, which may be for reservoirs or levees according to the discretion of the engineers. There is an expenditure of \$16,000,000 plus \$48,000,000, which makes \$64,000,000.

These two projects in the bill will lower the flood heights of the Mississippi River 9 inches and will cost \$64,000,000. That is what you do. I am not opposed to these reservoirs. I think the only way in the world that we are ever going to control the floods on the streams is by controlling them at the source. But that is what we are doing. We are spending this \$48,000,000 and this \$16,000,000 for either reservoirs or levees and reducing the flood heights in the affected area 9 inches. That is all. I shall propose an amendment as section 1 (a) to this bill to construct 26 reservoirs in a



watershed comprising 183,300 square miles of territory, 13 reservoirs on the Arkansas and its tributaries, and 13 on the White and its tributaries. There is no dispute about what effect these proposed reservoirs will have on the flood waters. General Markham says it will reduce the flood heights 4.2 feet, and other engineers say more. Mind you, those 26 reservoirs are a portion of the comprehensive reservoir report filed by the Chief of Engineers in 1934.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. RICH. Mr. Chairman, I yield the gentleman 10 minutes more.

Mr. MILLER. They talk to you about the Mississippi River project and about its being an adopted project of Congress. It is—but why? Simply because the Congress did in fact adopt it. As a part of this 1928 act we also provided that the engineers should make a comprehensive survey of this country for the purpose of permanently controlling the flood waters. That survey has been made in the Mississippi Valley. Here is your map, with 151 reservoirs, at a cost of \$1,125,000,000 for the control of the flood waters in the Ohio and every tributary of the Mississippi Valley. The question is, When we shall have spent this \$272,000,000 here together with what we have already expended, added to what the local people have spent, we will have spent \$1,000,000,000 on the lower Mississippi, and what have we accomplished insofar as the tributaries and insofar as the real territory of the Nation is concerned? In 1879 the Congress created the Mississippi River Commission. In 1883 this Commission established a levee line from Cairo, Ill., to New Orleans on the Mississippi. In 1898 it raised the grade on the levees 5 feet. In 1914 it raised the grade an additional 5 feet, and in 1928 it was found that the grade was entirely too low by several feet. The purpose and the policy has been to build levees, levees, levees—and who is paying the bills? I appeal to you men who live in the tributaries of this river. I am offering an amendment here that will protect, according to General Markham, 183,300 square miles of territory, not much of it in Arkansas, much of it in the Northwest, but it will protect them, according to him, and solve their local problems and at the same time it will solve this problem down here. I do not want to do the people in the lower Mississippi Valley an injury, but I do not want the people in the tributaries to suffer longer. They talk to you about floods in the lower Mississippi. They did have a flood in 1927, but I call attention to this comprehensive report, in which it says that the so-called superflood will possibly occur once in a hundred years, while the floods in the tributaries occur three and four times a year. The damage in the White River Valley alone in 1927 was \$18,000,000; in 1928, \$3,000,000; and in 1929, \$7,000,000; and this is every year.

My people plant crops as often as three and four times a year. I ask you, How long can this Nation survive if its people living in the tributaries are to be utterly disregarded? They talk to you about the necessity of not touching this bill, that if you touch this bill something will happen to it. I ask you, Who is directing the destinies of this Nation? Is it the bureaus and the departments, or is it the Congress? I ask you to exercise your own common sense. Let me go back a minute and discuss these proposed reservoirs. I call attention to page 4 of this comprehensive report in which the Chief of Engineers says:

The group of 26 reservoirs in the Arkansas and White are by far the most effective in controlling the floods on the main stem of the Mississippi River.

And the time is coming, gentlemen, just as sure as we are sitting in this House today, if you are here 10 years from now, when you will vote for an appropriation to erect these 151 reservoirs in the Mississippi Valley. If we can erect these 26 now, and it is said that is the best group of them for the protection of the valley down here, we should do it, because these rivers empty into the protected territory, and I appeal to you to make a start. In this flood-control Document No. 2, General Markham says:

The reservoirs on the White would control 50 percent of the drainage area of that tributary; those on the Arkansas would control 55 percent of its total flood-producing area.

That area is 183,300 square miles.

The president of the Mississippi River Commission, in a report dated April 24, 1935, which is attached hereto, presented estimates of the effect—

Mr. NICHOLS. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLS. I make the point of order, Mr. Chairman, that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum. The gentleman from Arkansas will proceed.

Mr. MILLER. Mr. Chairman, reading further from this report of General Markham:

The operation of the 26 reservoirs in the Arkansas and White River Basins would, it is computed, have reduced the flow by 330,000 second-feet, with a corresponding reduction in a confined flood stage of 4 feet.

Then that report is concluded with this recommendation:

My recommendation as to the use and value of the reservoirs on the Arkansas and White Rivers for controlling floods in the Mississippi Valley is that their construction and operation will increase the safety of the alluvial valley of the lower Mississippi River against flood, besides affording a large measure of flood protection in the White and lower Arkansas Rivers, but that these reservoirs cannot be relied on to prevent a flood which will overtop the levees unless a relief outlet is provided.

What is that flood that is going to overtop the levees? In Document No. 1, hereinbefore referred to, at page 6, he says it is the so-called superflood that will have more than 2,000,000 second-feet passing Arkansas City. This report shows that that flood will occur once in a hundred years. It is true it occurred in 1927.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. GRISWOLD. Is it not also true that General Markham said, in testifying before a Senate committee, that the flood of 1927 came out of the Arkansas River and White River?

Mr. MILLER. Yes; he said that, and it is true. Everybody knows that the Arkansas and White Rivers are the worst acting rivers in the entire Mississippi Valley, insofar as floods on the Mississippi River are concerned. Then you tell me that merely because a bill deals with the lower Mississippi we should not undertake to do anything for the Arkansas and White Rivers, when they empty right into the affected territory?

There is a section in this bill, section 5, called the White River Reservoir; but do not be misled about that. All it does is build a levee around this little strip of land, and all it does is raise the flood waters a little higher back in this district. That is all in the world that it does. I say very frankly to you, I want to see the flood-control problem solved correctly, permanently, and justly in this Nation.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. MILLER. The only way in the world it can be solved is to begin sometime in the right direction. Now is the proper time to make a step in reservoir control. In the entire debate on this bill there will not be a man come here and say that these reservoirs would not do any good. They will all admit it, but they will say we cannot stand it; that we cannot load down the bill. It is true these reservoirs cost \$126,000,000, but I say to you that the building of these reservoirs and the cut-off operations in the Greenville Bends will be so beneficial that it will never be necessary for the Congress to appropriate the entire sum of \$300,000,000.

Let me tell you what is happening right now in Little Rock. There is a suit pending to condemn some of this land. Do you know what the Government engineers did the other day? When General Markham hears about it I do not know what he will have to say. General Ferguson told the people



at New Orleans that they could go home and sleep because of the operation of these cut-offs with full assurance that the problem had been solved. General Markham telegraphed him and made him back-track on it.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Not just now. The record shows that General Markham telegraphed him about that statement that appeared in the Times-Picayune, but here is what happened in the land suit I mentioned—it is a suit for the condemnation of some land. When the Government attorneys, together with the Government engineers, went into court the other day, the court granted them a continuance for the purpose of enabling the Government to see what further efficiency could be had and how much further the flood heights on the Mississippi would be reduced by the operation of these cut-offs. I am just as earnest about this as I ever was in my life. I do not want to destroy or injure these people here, but the people in the Northwest, in these 183,000 square miles of territory, have suffered long. You talk about making a contribution to expenses. On my little White River alone we have about 270 miles of levees that were built at the expense of the people themselves. There are 20 districts, all of them leveed and with outstanding bonds. The question is just this: If we want to solve the problem in your territory and in my territory, if we want to render service to our people—and that is what we will have to do—we will have to be prepared to spend about a billion dollars in the Mississippi Valley alone to build 151 reservoirs. We are going to have to spend more on the Atlantic seaboard and other valleys in this Nation, but why not spend wisely?

Why build the levees alone? I appeal to you on behalf of 4,500,000 people who have suffered long that when this amendment is reached it may have the support of the entire membership of this House.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. MILLER. I yield.

Mr. NICHOLS. In regard to the gentleman's amendment, does the gentleman know of anyone, or has he been advised of anyone, who will object to the amendment by reason of the fact that the purpose for which the amendment is introduced is not a genuinely good purpose and is not sound?

Mr. MILLER. Oh, no. The only argument that could ever be made against it is that the cost is too much. [Applause.]

If you believe in doing things right, then vote for the amendment, and we will make a start in the right direction. [Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I am interested in a policy of flood control whereby we may do those things that will save life and property. It is my judgment after listening to the various arguments advanced by members of the Committee on Flood Control that there is no body nationally set up that is so well fitted to handle these matters of flood control as the Board of Army Engineers, a nonpartisan organization. The Army Engineers always work, so far as I can find out, in harmony with local conditions, and cooperate with the States and local organizations.

We are now considering the bill (S. 3531) for the control of floods in the States of Arkansas, Mississippi, and Louisiana principally. No doubt the rest of the country is in a measure responsible for flood conditions that prevail in the lower Mississippi River because of the fact that the waters come from other States; and, naturally, we have a moral responsibility to assist these States. I am not overlooking this fact, but I want to call particular attention to section 5 of the pending bill. Mr. George H. Dern, Secretary of War, in his report to the Senate committee on this bill made the statement that this work is not recommended in the report, speaking of section 5. See letter of February 15, 1936, to Senator COPELAND, Senate hearings. I also want to call attention to the fact that in the House report there appears a letter dated April 30, 1936, from Maj. Gen. E. M. Mark-

ham, Chief of Engineers, to the chairman of the committee, the gentleman from Louisiana [Mr. WILSON], in which he makes this statement in reference to section 5:

The bill, S. 3531 \* \* \* with the exception of section 5, now conforms to the views of the Department.

In other words, he is opposed to section 5 of the bill.

We have listened to statements made by the gentleman from Arkansas in reference to the 26 dams to be constructed on the White River and the Arkansas River. I listened to the testimony given before the Committee on Flood Control in reference to these 26 dams. I have asked the question on the floor of the House time after time, "Where are you going to get the money?" I may say, however, that I am willing to spend money for flood control or any other good purpose where the money is going to be used to the very best advantage. If I interpret correctly the construction of these 26 dams it is this, that while it will cost the Federal Government \$126,000,000 it will reduce the flood height on the lower Mississippi River from 4½ feet, as estimated by the Army Engineers, to as much as 5½ feet, as estimated by the board of engineers from the State of Louisiana. There is a difference of 1 foot in the estimates, but we will say the flood height of the Mississippi will be reduced by 4½ feet, while the items that are called for in this bill for the Yazoo and the St. Francis Rivers will reduce the flood height only 9 inches.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield myself 4 additional minutes.

We spend \$56,000,000 on the Yazoo and St. Francis Rivers and we only reduced the flood height of the Mississippi River 9 inches. In other words, for twice the amount of money we are going to do eight times the amount of good. Does not this seem like a sensible proposition for us to consider in the House of Representatives—spend twice the amount of money and do eight times the amount of good? That is only good, ordinary common sense.

The statements made by the gentleman from Arkansas [Mr. MILLER] are just as sound as anything possibly can be.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. COLDEN. Because of the gentleman's interest in economy I want to ask him if he does not think that the building of reservoirs and dams on tributaries, such as is being done in the case of the Tennessee River, and the development of power will make these projects self-liquidating? And is not it a sounder policy to build dams instead of levees?

Mr. RICH. But the Tennessee River project is not a flood-control project; it is a power project. When a dam is built for the purpose of generating power the reservoir behind the dam has to be kept filled and you have nothing left when it comes to controlling floods.

Mr. COLDEN. The Tennessee Valley project is both.

Mr. RICH. When it is said that by this bill we are spending \$272,000,000, think of what we are doing in the way of constructive work; we are only carrying out what the board of engineers states is necessary so far as the lower Mississippi River is concerned. We have spent \$893,000,000 in that section of the country alone. Other sections of the country are entitled to as much consideration as the lower Mississippi. If you take into consideration the floods of this year, you will find that there has been 10 times more damage to other sections of the country this year than was ever done to the lower valley of the Mississippi River and less money spent on the rest of the country for flood control. We must treat all States alike.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. WHITTINGTON. If the gentleman means to leave the impression that the Government has spent \$893,000,000 in the lower Mississippi Valley for flood control he is utterly incorrect.

Mr. RICH. I do not want to be incorrect. Now in what respect?



Mr. WHITTINGTON. The gentleman is incorrect. I have just communicated with the Office of the Chief of Engineers, and I am advised that prior to the act of May 15, 1928, only \$105,000,000 had been spent by the Government in flood control in the lower Mississippi Valley, and since that time \$180,000,000 has been spent by the Government. I understand about \$20,000,000 more has been allocated. That is the total amount spent in the entire history by the Federal Government for flood control in the lower Mississippi Valley.

Mr. RICH. Where did they spend the \$621,000,000 for flood control on the Mississippi River?

Mr. WHITTINGTON. They have not spent that for flood control. They spent \$125,000,000 on the Ohio River, more than \$50,000,000 along the Missouri River, and probably as much more in the upper Mississippi River for improvement in navigation. The amounts I gave cover flood control only in the lower Mississippi. About \$160,000,000 has been spent for navigation on the Mississippi.

Mr. RICH. I am talking about the Mississippi River. Has that not been spent on the Mississippi River for the benefit of the people of the South as well as for the benefit of the people all along the Mississippi River and its tributaries?

Mr. WHITTINGTON. The amounts have been spent largely for navigation. I just wanted to correct the gentleman.

Mr. RICH. The gentleman talks about navigation and states there has been \$72,000,000 credited to navigation in this bill. I want to refer to Major General Ashburn's statement in regard to the operation of the Inland Waterways Corporation. He said they did not get any credit at all in figuring cost of operation for money spent on the Mississippi River for navigation. It is the way the Government officials figure cost in their operation, and I hope Major General Ashburn adds the cost of Government spending for navigation on the Mississippi River when he figures cost for operation of the Inland Waterways Corporation.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. TERRY].

Mr. TERRY. Mr. Chairman, I shall support the amendment, which will be later offered, which includes 26 reservoirs on the Arkansas and White Rivers, as well as the so-called Overton bill which we are now considering.

During the past winter the President of the United States sent us a message in which he stated that we should go carefully into the question of coordinating the efforts of the Government in meeting flood control and soil erosion. There is now pending in the Senate H. R. 8455, a bill which has included in it many projects so far as flood control is concerned. The Overton bill now before us for consideration covers only a small part of the problem of flood control, and covers principally the lower Mississippi River. According to the terms of the Overton bill, we will have to spend \$103,000,000 for the so-called Eudora spillway. We will have to spend \$49,000,000 for seven reservoirs on the Yazoo River, and about \$16,000,000 for reservoirs on the St. Francis River.

Mr. Chairman, I think this problem should be treated from a national standpoint. The Government has only a certain amount of money to spend for flood control. We should, to the best of our ability, see that every dollar of the money goes as far as possible to alleviate bad conditions not only in the lower Mississippi but also on the tributaries of that great river. Last year hearings were held by the House committee on the question of whether or not they would change the Jadwin plan for the construction of spillways in southeast Arkansas and Louisiana. The Flood Control Committee of the House asked General Markham, Chief of Army Engineers, to make a report on what would be necessary to eliminate the Jadwin planned spillways in southeast Arkansas. On May 15, 1935, in Document 3 of the Seventy-fourth Congress, General Markham wrote Mr. Wilson, chairman of the Flood Control Committee, as follows:

The following report is submitted in response to the resolution of the Committee on Flood Control of the House of Representatives, dated April 24, 1935, requesting the Chief of Engineers to

submit a report on a series of reservoirs in the Arkansas River Basin, the White River Basin, and other river basins for such relief and protection as will abrogate the necessity of fuse-plug levees and diversions from the main channel of the Mississippi River.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. TERRY. Mr. Chairman, General Markham goes on with this statement:

The Mississippi River Commission has submitted a report, dated December 15, 1934, in accordance with section 10 of the Flood Control Act of May 15, 1928, on a comprehensive system of reservoirs for flood control. This report lists 151 reservoirs as best adapted to the purpose of local flood control on the tributaries on which they are situated and the flood control of the Mississippi River. The total estimated cost of the entire system is \$1,125,807,000. The most effective reservoirs of the system, so far as the flood control of the Mississippi River is concerned, are the group of 13 on the Arkansas River and 13 on the White River, the estimated cost of which is \$126,719,000.

The report of the Mississippi River Commission, which will be transmitted to Congress in due course, shows that the operation of the entire system would have so reduced the 1927 flood that it could have been carried between the levees provided in the project adopted by the Flood Control Act of 1928, without diversions from the main channel of the Mississippi River if the fuse-plug levees were raised to the same grade as the remainder of the system. For a larger flood, or the so-called superflood, such as would have resulted had the flood of 1927 been augmented by greater discharges from the upper tributaries, the complete reservoir system, if operated without regard to flood control in the tributaries, would have so reduced the flood discharge that it probably could have passed through the leveed channel without recourse to floodways and diversions. If, however, the system were operated to afford flood control for the tributaries as well as for the Mississippi River, the discharge of such great flood would have been in excess of the capacity of the leveed channel.

The report indicates therefore that the costly system of reservoirs under study would not abrogate the necessity for fuse-plug levees or similar works, and diversions from the main channel of the Mississippi River to afford assured protection against extreme floods.

The reservoirs included in the study of the Mississippi River Commission were those developed by exhaustive studies of the various tributaries made in accordance with section 10 of the Flood Control Act of 1928.

Mr. Chairman, it seems to me that before this Committee authorizes an expenditure of \$272,000,000, which will benefit only a small section of the country on the lower Mississippi, it should give careful and serious consideration to the inclusion of these 26 reservoirs which the Chief of Engineers admits will reduce the flood height at Arkansas City by over 4 feet, and not only will it do that but it will give protection to the valley of the Arkansas River in Arkansas, Oklahoma, New Mexico, and Colorado and on the White River in Arkansas and Missouri.

Mr. FULLER. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Arkansas.

Mr. FULLER. Is it not a fact that the Arkansas and the White Rivers are the two largest tributaries of the Mississippi River, and they are the only two rivers of that character that have not received Federal aid?

Mr. TERRY. I think the gentleman's statement is correct as to reservoirs.

Mr. FULLER. Is it not true also that the 26 projects that we are trying to have included in here are the very same 26 that this same committee reported to the House in a bill which was passed by the House at the last session of Congress and is now dying in the Senate?

Mr. TERRY. The House included these reservoirs in a bill which was passed last August, but, with the exception of two, all of them were taken out in the Senate.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. MAIN].

Mr. MAIN. Mr. Chairman, this bill deals with subject matter which fundamentally requires technical information. Local atmosphere, based upon some appreciation of the physical facts in the territory involved, will have a bearing upon this vote. For these reasons I hesitate to offer any comments on the merits of the bill. However, as a member of the committee, perhaps I can render some service to the Members of the House by calling attention to the fact that the



provision for this so-called Eudora spillway does not contemplate the acquisition of a fee-simple title to the land which may be overflowed in the event of the superflood, which is contemplated by the sponsors of the bill. The bill proposes only to acquire the rights of flowage at a cost of some \$15 or \$20 per acre involving an area of 822,000 acres. A considerable portion of this land is well developed and is in a high state of cultivation.

I have a picture, therefore, Mr. Chairman, of this spillway in some unfortunate period in the future being in a fine state of cultivation and development for rural and urban uses; but if this superflood should come, this area would be turned into a temporary river 10, 15, or 50 miles in width. Of course, the population would be disturbed, and no doubt there would be great destruction of property and possibly loss of life. Although I do not for a moment put my opinion against the opinion of the engineers, yet it does seem to me that the proposed expenditure of \$103,000,000 for this Eudora spillway is adopting the pound of cure instead of looking for the ounce of prevention. It does seem to me, Mr. Chairman, that the plan for reservoirs on the White and the Arkansas Rivers is in line with the homely policy that prevention is better than cure; and I undertake to say, no matter how valuable the Eudora spillway may be from the standpoint of the people on the easterly side of the Mississippi River, it cannot by any stretch of the imagination render any service in avoiding flood dangers at Pittsburgh or Cincinnati. But, on the contrary, Mr. Chairman, treatment of the flood problem on the Monongahela and Allegheny Rivers and on the White and Arkansas Rivers will help to avoid the flood dangers on both sides of the lower Mississippi River.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Mr. Chairman, if flood control is what we really want here, then everybody should vote for the amendment. If this is what is really wanted in the lower Mississippi, then the addition of a comparatively small sum of money, compared with the total, added to the amount carried here really produces flood control. When you add a comparatively small sum of money, even though we are dealing in large sums, and head off the top flood water by from 4 to 5 feet, as compared with a 9-inch cut-off, with comparatively a little less money, then the advocates of the bill, if flood control is all that is involved, should join with the advocates of the amendment and pass the amendment.

I am pleased to be on common ground with my colleague, the gentleman from Pennsylvania [Mr. RICH]. I usually disagree with him quite violently, but this afternoon I admire his judgment and endorse the suggestion he has made, that it is common sense by the addition of less than one-half more money to get 10 times the result.

Now, let me talk to you a moment about the Arkansas River. The Arkansas River is 1,500 miles in length. It heads up in the middle of Colorado and the watershed embraces the greater part of Oklahoma, a great share of the States of Kansas, New Mexico, Colorado, and Arkansas, inhabited by nearly 4,000,000 people. This river, with its nearly 4,000 miles of tributaries, has caused an annual flood damage over a long period of years of nearly \$5,000,000. If you will amortize the amount involved for a moment in your own minds, you will see it pays big dividends when you add to it the flood damage in the White River, and since the amendment which is to be offered will really bring about flood control.

We do not have to hark back many years to the time when the Army Engineers declared that the only way to control the waters of the Mississippi was by more dikes and levees on the lower Mississippi. Only in recent years have they agreed that the reservoir system is the proper one, and here is what they now say officially and authoritatively. I am quoting from their own report:

The group of 26 reservoirs in the Arkansas and the White are by far the most effective—

Not equally effective, but by far the most effective—in controlling the floodwaters of the main stem of the Mississippi.

What more do you want? Why not join us in the amendment instead of simply saying that "if your amendment is adopted it will kill the bill"? How is it going to kill the bill? Why should we not stand up for our rights and demand that we have our rights when we are within reason? Are we going to continue to be browbeaten by the departments and by another body? This is the time to say how far we shall go when we have all the rights and all the reason on our side of the program.

These 26 projects went in last year. It is true they were knocked out in another body, and there may be a duplication of two or three or four of them, but we are not going to build all of them at once. Therefore we need not be alarmed at this preliminary stage of the legislation that we are going to have any duplication. This is simply an authorization anyway, and the time will come when we will have to make a selection between the projects when time for actual appropriation comes, and under the terms of the bill, if the amendment is adopted, we carry our share with respect to the payment of rights-of-way and the other penalties or costs that have to be borne. So it seems to me reasonable, if flood control on the lower Mississippi River is what you really want, to adopt the amendment. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, ladies and gentlemen of the Committee, I am sorry that there are not more Members present on the floor to listen to the discussion of this very important matter. Thanks to the able and accurate count by the Chairman, they are not here; but this is a most important matter. There is a very important spot in the United States along the White and Arkansas Rivers that has long been forgotten territory insofar as relief from floods is concerned.

The gentleman from Oklahoma said if this is to be a flood-control bill, why not make it that. I should like to ask the same question.

No one will say that by taking care of the area in the lower Mississippi you will solve 100 percent of the flood problems of the lower Mississippi, but a report of the Army Engineers says that the building of these 26 reservoirs on the White will control 50 percent of that tributary and on the Arkansas 55 percent of the total flood-producing area.

A report made by the President of the Mississippi River Commission in April 1935 stated that the construction of these 26 reservoirs would reduce the flood stage 4 feet at Arkansas City.

It goes into the number of second-feet and says that construction of these 26 reservoirs would reduce it by 320,000 second-feet.

I have the utmost respect for the reports of the Army Engineers on this flood problem, and they say that the construction of 26 reservoirs are most important to control the floodwaters of the lower Mississippi.

All you gentlemen have answered every argument that has been made by throwing into our faces the recommendations of the Army Engineers.

I give it back to you and ask you to stand by the recommendation of the Army Engineers. They say that the construction of 26 dams on the White and Arkansas Rivers would take care of those floodwaters that contribute most to the floodwaters of the lower Mississippi.

If you are not going to support the Miller amendment simply because you are afraid it will destroy this bill, then I say to you that that is a poor excuse. How do you know it will destroy the bill? Who is the man here who can say that he has word from the White House that it will destroy it? Who is the man here who can say that he has word from another body that it will destroy it? My guess is as good as yours. I say that it will not. I say that from all points of reason that it should not, and I am one who still thinks that we are operating at least to some extent a reasonable system of government in these United States.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.



Mr. WILSON of Louisiana. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas [Mr. McCLELLAN].

Mr. McCLELLAN. Mr. Chairman, I regret that in the consideration of and passage of legislation of such vital importance there should arise any confusion or controversy whatever. It is unfortunate when we come into the House with a bill on which a committee has spent a whole year—all last session of Congress and part of this—in hearings, where every bit of testimony that was available was heard, that we should be confronted with a squabble in an effort to superimpose laymen evidence and laymen opinion for that of those trained and experienced and able to give counsel. When the bill has the endorsement and approval of the highest authority next to the Congress and the President of the United States, it should appeal to our judgment and command our respect and support. We should not be asked to accept laymen testimony in preference to that which is authentic insofar as the best technical minds go.

I want you to get a correct picture with reference to this problem. The 1928 act adopted a project for the control of floods in the lower Mississippi River. That project is in process of execution now. There is one phase of it that has not been undertaken and is not going to be undertaken because, as I understand, on account of the interpretation placed on the act. You already have a spillway in this area [pointing to map] now in operation which, if a flood comes, will cover all the area shown in this area in green, but these guide levees shown in yellow on the map have never been built. They were supposed to have been constructed to control these floods. All of this black dotted line is a fuse-plug levee supposed to be 32 miles in length, but it is in reality 65 miles long, and it is left open there and is 3 feet lower than the levee on the opposite side of the river; and that is for the purpose of permitting the excess water, when the floods come, to overflow and go down what is known as the Boeuf Basin and will cover not just that within the yellow lines but will cover all this area in green. That is the unfinished part of the project, that is the part of the project the Markham report modifies and undertakes to improve.

Let me point out wherein it does. In this Boeuf floodway area there are 1,326,000 acres of land, while in the Eudora floodway, recommended to be adopted as a substitute for the Boeuf, there are, including the back protection levee, only 822,037 acres, or 503,963 acres less of the most fertile lands in the valley. You can, therefore, construct this floodway for several million dollars less than the Boeuf floodway, so the modified plan is the most economical and carries with it the greatest conservation of these fertile lands. It is a large improvement over the present adopted project. I hate to disagree with my colleague from Arkansas [Mr. MILLER] but he made one statement I think is not correct, when he told you that there were now condemnation suits pending in Little Rock, Ark. That is a mistake. There is not a condemnation suit pending there by the Government. Suits have been filed by landowners in this Boeuf Basin because their property has been taken by the Government for public use without due compensation and those suits are pending and the Government is delaying them. Every time they come up for trial the Government delays and has them continued in the hope that Congress will pass this bill and abandon the Boeuf floodway so that those suits will not have to be tried and can be dismissed and in that way settle the controversy. Those are the suits that the gentleman referred to. They are not condemnation suits. I want to answer another argument that has been made.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I yield the gentleman 2 minutes more.

Mr. McCLELLAN. It has been said that if we want flood control, if you want to solve this problem in the lower Mississippi Valley, we should adopt this amendment to construct the reservoirs. I do not oppose the reservoirs. If they are constructed together with this project, they will

solve every flood-control problem that I have in my district and I shall be ready to resign from the flood-control committee and go to some other where I might better serve the further interests of my constituency, but the Army Engineers do not say, as the gentleman from Oklahoma [Mr. NICHOLS] stated—they never have said—that the reservoirs on the White and the Arkansas were of major or greater importance than these floodways or diversion channels. Let me tell you what they have said. They did say that those reservoirs, insofar as the effect of reservoirs on the lower Mississippi Valley is concerned, would contribute more, that they were of more value than reservoirs on the other tributaries, but they say you can construct reservoirs on the White and the Arkansas at a cost of \$126,000,000. I say to you read the report and the hearings. It is there repeatedly said in the last session of Congress and in this that you may build them, but you cannot dispense with the Eudora floodway after they are constructed. That these diversion channels are indispensable to the safety of the valley not only for superfloods which may come any time within the next 100 years from now, as they say, but when any flood comes of the proportions of the 1927 flood they will still be necessary even though the reservoirs on the White and Arkansas have been constructed and are in operation.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. McCLELLAN. Not now.

Mr. NICHOLS. I deny that statement.

Mr. McCLELLAN. Get some time and read it. The gentleman can read the record I am speaking of.

[Here the gavel fell.]

Mr. McCLELLAN. If you will give me time I will answer the gentleman. I am referring to the record. I know it is in there.

Mr. Chairman, this Nation, as never before, is conscious of the impelling necessity for legislation adopting projects that will bring relief from the menace, devastation, destruction, misery, and human suffering caused from violent floods such as we have had in the recent past. It would be wonderful indeed if we could, with the enactment of one law, provide for the immediate construction of flood-control projects that would control the waters of every important stream in this Nation and insure the safety of their valleys. Common reason suggests, however, the impossibility of being able by the passage of one bill at this session of Congress to accomplish such tremendous results. So many factors enter into flood control that it is necessary to have investigations, surveys, studies, and the counsel and recommendations of the best engineering staff available to the United States Government. We do not like to proceed by piecemeal, that is true. I am going to support the pending bill because this project is ready. Years of study, surveys, and investigations have been made. Due hearings have been held. This bill has the endorsement of the Chief of Army Engineers, on whom the President of the United States must rely for his guidance in the approval of any legislation involving an engineering plan or construction projects on our navigable streams. It is ready for passage and should have the support of every Member of this House who is in sympathy with flood control. Nothing can be gained by opposing this bill simply because other worthy projects are not included or because it does not embody a comprehensive program throughout the Nation. We should pass this bill and then pass others as rapidly as proper investigation and report can be made and where they are found to be practical, economically justified, and necessary for the conservation and protection of lives and property.

To those who are criticizing this bill and saying that the 1928 Flood Control Act appropriated \$325,000,000; and we are now back asking for more money, I wish to direct your attention to the record. When the 1928 flood-control bill was under consideration it was pointed out at that time by the Mississippi River Commission and the Chief of Army Engineers that the cost of the project for the control of floods and protection of the lower Mississippi Valley would be approximately \$775,000,000. See General Markham's



statement, page 37 of the Senate hearings on this bill. Therefore, Congress at the time of the passage of the 1928 act was fully advised what the ultimate cost of this undertaking would be. The appropriation now asked is not, therefore, an unanticipated expense.

The highest engineering authority has stated repeatedly that it is necessary to control or divert 1,000,000 cubic feet per second of floodwaters in case of a major flood in order to insure the safety of the lower Mississippi Valley. I should like to see the construction of the 26 reservoirs on the White and Arkansas authorized at this session of Congress. They are most meritorious, and the valleys of these rivers are entitled to that consideration. In order that there may be no misunderstanding or any misapprehension on the part of any Member when he comes to cast his vote on this legislation, I desire to emphatically assert, based upon the repeated statements of the Chief of Army Engineers and the president of the Mississippi River Commission, that construction of the reservoirs on the White and Arkansas and the cut-off and stream-rectification work now being carried on, will not suffice to control the floods in the lower valley. They will contribute to it substantially. The reservoirs will lower flood heights on the Mississippi 4.2 feet. The effect of the cut-offs has not yet been accurately determined. So far as we know at present the best opinion is, when completed they will possibly lower flood heights  $2\frac{1}{2}$  feet.

The reservoirs will withhold approximately 365,000 second-feet of water, leaving a volume of 635,000 cubic feet that must be taken out of the main channel by diversion. If a flood should reoccur, of the proportions of that which came in 1927, with the 26 reservoirs on the White and Arkansas in operation and the cut-offs and stream-rectification work completed, there would still be, Mr. Chairman, a volume of water, if confined, five feet higher than the main channel levees. Therefore, let us regard the proposed amendment for 26 reservoirs on the White and Arkansas solely upon its merit and not labor or act on the erroneous impression that by amending this bill so as to authorize the construction of these reservoirs, the Eudora floodway can be dispensed with. If the Army Engineers and the Mississippi River Commission are competent, if they are giving and have given us the benefit of their best judgment, if they are worthy of our relying upon them for correct engineering data, information, and recommendations, then we should follow them and adopt the plans they submit and recommend for the solution of these engineering problems. I, for one, do not feel competent to dispute the judgment of the Army Engineers in matters of engineering. In that respect I subordinate my judgment to theirs. In matters of economics and in the practical provisions of legislation dealing with the execution of the plan and administering the law, then I rely upon my own judgment and from my experience as a lawyer and as a Member of Congress.

Others contend that we should adopt the 151 reservoirs program at a cost of \$1,125,807,000. The record reveals that it would take from 20 to 30 years—another generation—to complete such a program. During that time this great valley would continue to be exposed to the ravages of torrential floods. Shall we delay? Is it wise to procrastinate? The plan is approved. It is time to act, and we can be assured that with the passage of this legislation, either with the amendment for the 26 reservoirs on the White and Arkansas or without it, that it is ample to and does provide for a complete and final solution of the flood-control problem in the largest and most fertile valley in all the world.

Mr. Chairman, I trust that the membership of this House will rise above partisan influence and that we shall be guided not as Democrats or Republicans but as representatives of a wonderful people, and act and vote as Americans, in the interest of America, and for the common welfare. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask that all Members who have spoken on this bill may have permission to revise and extend their remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. RICH. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. WEARIN].

Mr. WEARIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include a few short quotations.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. WEARIN. Mr. Chairman, the accent of the present administration is upon soil and moisture conservation as far as the farm and agricultural program is concerned. It seems to me that the thought is wrapped up very closely with the flood-control program. It has been my pleasure to cooperate with this committee, to some extent, as far as it was possible to do so, in the matter of this legislation, which in my judgment is not an answer to flood-control problems. The time is coming when the United States Government is going to have to devise a Nation-wide program for flood control that will conserve the moisture at the points of its origin, rather than building levees higher and higher along any of the streams.

Mr. COLDEN. Mr. Chairman, will the gentleman yield at that point?

Mr. WEARIN. I will a little later on.

I happen to live along one of the principal tributaries of the Mississippi River; namely, the Missouri. It carries a tremendous volume of water into that great Father of Waters. Unfortunately, we have accentuated our interest in that major stream rather than in the tributaries that go to make up the body of its flowage. It seems to me that we, the Committee on Flood Control, the Congress, the War Department, the Soil Conservation Service, the Forestry Department, and National Planning Board, and any other related agencies, should be cooperating with a view to advancing a complete coordinated national program of water conservation composed of reservoirs and of basins along the tributaries of the Mississippi, and in turn their tributaries, as well as other river systems, all of which would couple up nicely with the conservation of our soil and the moisture in our small streams. Then and only then will we have a complete answer to this unfortunate condition that prevails in the lower reaches of the Mississippi River.

It should be evident that the proposed program would properly reach back to the tiniest of trickling streams that mark the beginning of the entire trouble. The present disastrous floods near the mouth of the Mississippi are a result of many crude and thoughtless abuses of nature on the part of man. We have stripped the Nation of its vast forest resources that at one time held back tremendous volumes of water both at the roots of the trees and in their foliage. In fact, we have not even paused long enough in our headlong dash for profits to take stock of what happened to China as a result of a similar program. We have hurriedly dipped our plows into the sod of prairie lands that should never have been turned over, because their characteristics were such that they were not suitable to profitable cultivation. The result has been the hastening of many little waters through the sandy loam-washing gullies in a dash to the great rivers. At the elbow of the plowman has come the dust storm and all its attendant evils just because we did not realize the sod we destroyed had been conserving moisture and acting as an insurance policy against floods. We have hastened, in order to provide employment for dredge operators, to straighten out innumerable little creeks and rivers that used to wind their way through fertile valleys, holding up the waters at their bends and in their deep, cool pools that were invaluable as beauty spots and conservers of wildlife, in addition to being reservoirs the contents of which seeped down into the subsoil and preserved the productivity of the area. In the valley where I live a crude,



aimless, unplanned ditch ruined a beautiful little stream with wildlife resources, power and local industry sites, and lowered the natural water level until we have been forced to go from 15 to 20 feet deeper for good wells.

I mention these things because they have all, in addition to being local calamities, added to the problem of flood control not only on the lower Mississippi but upon every great river. The building of higher and higher levees does not solve it. We should be spending millions to correct such past mistakes, but only after we have devised a thoroughly coordinated program in some such manner as I have suggested, taking all angles of the situation into consideration and mapping it out for the entire Nation. Unless we do this our problem is going to become more and more complicated with the passing of the years. The situation reminds me of some correspondence I have been having recently with that able, thoughtful, and noted American, Gutzon Borglum. He attached a copy of a letter concerning his trip through a flooded area to one he wrote to me, and I want to quote a few paragraphs from it, because they indicate one of a number of solutions, if we really wanted to do something about it all.

I was on a train slowly feeling its way through the water which washed above its running gear. We all felt angry and impatient and ashamed as we stared into the pale faces on those wet, bedraggled sufferers waiting in cars and trucks on the side track to let us go by. Just beyond was the mad current of the main body of the river. Everything was flooded. A little frame church teetered by, bumped along, careened, its little bell clapping one or two faint tolls, then silent, gone. God! Why don't we do something, rushed over me. Then I remembered we were only a democracy and that we were at peace—we were not at war, and the vote out here was really not worth very much to any party. The waters of the Missouri and Mississippi Rivers and their tributaries rampant represent one, if not the most, ruthless force on the American continent and are a menace to the sources of a vast part of our life and wealth.

\* \* \* I noticed after we passed the Red River there were no more flood waters. The great ravines and river beds through Texas were fairly dry and carried easily the little water that trickled through them. Then I recalled the great Missouri with its tributaries. It drains all of Montana, the third greatest State in the Union, Texas and California alone leading. Tributaries of the Missouri drain three-fourths of Wyoming, all of North and South Dakotas; the Platte, that wild, masterful flood, drains part of Wyoming, the northeast corner of Colorado, and all of Nebraska. In Kansas there are the Kansas and Arkansas Rivers; the Red River between Oklahoma and Texas and all of this eastern slope of the Rocky Mountain range for 2 months has been in flood, pouring its volumes down through the narrow throat of the Mississippi into the Gulf. America little realizes that a strip from 800 to 1,000 miles in width, from Canada in the north to Texas in the south, east of the Rocky Mountains, drains into the Mississippi. \* \* \*

The following idea has occurred to me recently and I have made it known through one public address: Tap the flood waters which flow into the Mississippi River from the eastern Rocky Mountain watershed, starting at such point as will insure the greatest amount of drainage and deliver the water to the most necessary points, traveling south. An exact location cannot be suggested in this letter. The important matter is to cut the great arteries, beginning with the Missouri, carry the great canal south across the Platte, the Kansas, Arkansas, and Red Rivers. This process could prevent all flood water west of, let us say, longitude 97° from ever going into the Mississippi and could be so effective that the little water that would enter the rivers east of the great canal would be of no importance. At other times the great gates would automatically allow the streams to continue their natural flow. Such a plan would protect the Mississippi Basin from all the Rocky Mountain water in times of danger. Very little imagination will tell anyone instantly what a bond of security that would establish in the hearts of every property owner in the great Mississippi Valley from Iowa south to the Gulf. But that is only half the picture. That flood water would be available in Nebraska during dry period, in Kansas and in Oklahoma. \* \* \*

In Texas a system of lakes could be easily established to receive the whole 10,000 square miles of water without loss to anyone. \* \* \*

Mr. Borglum's proposal is worthy of consideration in connection with the establishment of reservoirs, basins, forest areas, power projects, soil-conservation work, and all of the other outdoor problems so closely associated with water, that product we have been wasting so wantonly when it should be stored like any other crop.

At the present time the water that we need in Iowa, Nebraska, and the upper sections of that river system is being stimulated and hastened in its flow out into the Gulf of Mexico, along with tremendous volumes of rich soil that

never ought to have been washed away. It might be well for us to observe that along the Nile, with its heavy load of silt, they have devised a plan of spreading the waters, under control, for the sake of the fertility of the soil. The loss of our waters and our fertile soil will not be improved materially from the standpoint of permanence, by any program of levee construction. I am not necessarily opposing the bill, but I deplore its failure to cope with the problem.

I am aware of the fact that the people in the section affected are deserving of consideration and protection. I want to protect them, but at the same time I hope we will not forget that this particular bill is like putting salve on an ingrown toenail. It eases the pain, relieves the complications, but it does not eliminate the cause of the evil, which without attention will grow worse and worse. That is what we, as statesmen, if we are such, should attempt to do—eliminate the cause with a constructive plan. I trust that either before this Congress adjourns or before another Congress passes into history, the Flood Control Committee will be able to come before this House with a program of national water conservation that I think we need and which I think should be coupled up with the agricultural program, the soil-conservation program, the forest and other conservation work.

When we do that we will have solved the major portion of our flood problems in the lower regions of the Mississippi River, and all our other large river systems. We can in that manner make a tremendous contribution to the national welfare, a contribution that will result in the preservation of our soil fertility, our national water levels in the various sections of the Nation that have been lowered materially through short-sighted drainage policies, not only along the major streams but along the minor streams, and the water thus saved in the territory where it is needed, and used in the proper manner, either for irrigation or for the preservation of an atmospheric condition that is necessary if we are to have as a permanent asset fertile, productive areas in the United States. I am doing everything in my power to assist with the advancement of a Nation-wide program such as I have suggested.

I now yield to the gentleman from California.

Mr. COLDEN. The gentleman from Iowa and others who have discussed this question have referred to flood control, erosion, and irrigation. Why have you not mentioned the development of power and of navigation that are so closely interwoven with this question of flood control?

Mr. WEARIN. I am in thorough accord with the New Deal power-production program that should be incorporated with the matter of water conservation in the United States, and I trust it will be advanced and spread throughout the whole United States. The Tennessee Valley Authority has demonstrated the possibility of producing and distributing electricity, after proper allowances for depreciation, taxes, and operating costs, to the public at a fraction of its present cost. The people should not be denied such privileges and the program of power production can very well be consolidated with flood control and its associated fields. I will have more to say about that particular subject a little later on. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. KNUTE HILL].

Mr. KNUTE HILL. Mr. Chairman, I was born and reared in the Mississippi Valley, so I am quite familiar with conditions there. About a quarter of a century ago I went out West. One good thing in going out West is that it gives you a different viewpoint. Coming to the point, I want to say that in spite of the fact that quite a number of those who are standing for flood control opposed us yesterday in trying to get money for irrigation and reclamation in the West. I am strongly and heartily in favor of flood control, whether it be in the Mississippi Valley, whether it be in the upper Mississippi Valley, or whether it be on the New England coast, and I will tell you why. Although I am a resident of the West, I am a citizen of the United States and



believe in taking care of our people, whether they be down in the Mississippi Valley, up in New England, or out West. I believe in the motto "Live and let live."

They talk about a pork barrel. I wonder if it is a pork barrel when we are trying to save the homes of the people or where out West we are trying to build homes for the people?

I say to you here and now I am in favor of the Miller amendment. Why? Because we are taking care of conditions at the headwaters. "As the twig is bent the tree is inclined." Taking care of the headwaters through the use of dams is a control of the difficulty at the source, and I believe in taking care of them all along the eastern watershed of the Rocky Mountains all the way from Canada to the Gulf of Mexico. Taking care of waters there will prevent floods in the lower portions of the river.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. COLDEN. Why not build power plants on these tributaries and let them pay for themselves?

Mr. KNUTE HILL. That is all right; I am in favor of building power plants, building homes, and so forth. I am in favor of all those things.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. RICH. How would the building of dams for power plants provide for flood control?

Mr. KNUTE HILL. I said I was in favor of power development, too.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. KNUTE HILL. I yield.

Mr. RANDOLPH. The gentleman will agree, then, that all over this country the construction of reservoirs and small dams on the headwaters of streams is our most effective method of flood control.

Mr. KNUTE HILL. The gentleman is correct.

I want to emphasize that I am in favor of flood control, that I am talking for it and voting for it—a little different from the attitude taken by the chairman of our Committee on Appropriations on yesterday, when he said he was for reclamation and then talked and voted against it. [Applause.]

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. ZIMMERMAN].

Mr. ZIMMERMAN. Mr. Chairman, I want to take a few minutes of the time of the Committee this afternoon to explain my interest in this bill and why I am for this bill. Those of us who have studied this question of flood control by means of reservoirs know that reservoirs constructed for the generation of hydroelectric power cannot be used as a means for the preventing of floods.

Mr. COLDEN. Mr. Chairman, will the gentleman yield at this point.

Mr. ZIMMERMAN. I yield.

Mr. COLDEN. What about the Tennessee Valley undertaking?

Mr. ZIMMERMAN. In other words, it costs so much to construct a dam that may be used for the generation of electric power that it is not economically justifiable as a flood-control proposition.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. GRISWOLD. General Markham testified, did he not, that dams constructed for creating reservoirs to be used for the generation of hydroelectric power were not helpful in the prevention of flood control?

Mr. ZIMMERMAN. That is right. General Markham, Chief of the Board of Army Engineers, said that reservoirs constructed for power purposes were not available for flood-control purposes.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. GRAY of Pennsylvania. Is it not true that any reservoir that is constructed for the purpose of producing power is filled with water?

Mr. ZIMMERMAN. That is right.

Mr. GRAY of Pennsylvania. Whereas a reservoir or dam constructed to control floods is empty except during that season of the year when the floodwaters need to be checked.

Mr. ZIMMERMAN. Yes; they must be dry during most of the year.

Mr. COLDEN. Mr. Chairman, if the gentleman will yield further, that is not true in the case of Boulder Dam in our part of the country.

Mr. ZIMMERMAN. That was constructed, I am sure, on a different principle.

Mr. COLDEN. That was for the purpose of flood control and the generation of power.

Mr. ZIMMERMAN. My colleague the gentleman from Arkansas [Mr. MILLER] has referred to the placing of the St. Francis River in this flood-control project. The gentleman from Arkansas did not tell this committee that the people in the St. Francis Basin have already contributed \$50,000,000 toward building the levee along the main stream of the Mississippi River to keep the water of the Mississippi River out of the St. Francis Basin. Because the Ozarks have been denuded of their forests, because our hillsides have been cleared and plowed during the last 10 or 15 years the run-off has been so rapid and fast that the waters debouched down into the St. Francis Basin and have destroyed the levees which we built at our own cost and expense just as the levees were built along the White River and the Arkansas River; but, in addition to building our own levees at our own expense, levees which have been destroyed, we have contributed \$50,000,000, and are now paying taxes to maintain the levee along the Mississippi River to keep the waters of that river from spreading over the rich St. Francis Valley. I may say further that we have lost annually \$1,500,000 during the last 15 years. The Government finally recognized the necessity of treating the St. Francis River and have gone in there and spent over \$1,000,000 repairing the levees that were destroyed by floodwaters from the St. Francis River. This, Mr. Chairman, is why the St. Francis River and the Yazoo River have been included in the lower Mississippi project by the Army Engineers.

Let me emphasize the fact that if we adopt this amendment and add \$126,000,000 to this program the Army Engineers will not approve it; and if we pass this bill and the Senate concurs in this amendment I doubt seriously if it can receive Presidential sanction. We ought to be practical about these matters.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. ZIMMERMAN. I yield.

Mr. JOHNSON of Oklahoma. The gentleman has just made an interesting statement. If I understood him correctly, he stated that he doubted seriously if it can receive Presidential sanction if the amendment is adopted. Will the gentleman tell us on what authority he makes such a bold statement?

Mr. ZIMMERMAN. Because the Army Engineers have refused to recognize the feasibility of adding reservoirs to this project.

Mr. JOHNSON of Oklahoma. What has that to do with the President's attitude? Surely the gentleman does not mean to state that any Army engineers anywhere speak for the President of the United States.

Mr. WILSON of Louisiana. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ZIMMERMAN. Mr. Chairman, something has been said about these reservoirs having been placed in a bill last year. May I say to the Members that the pending bill has never been before the House prior to the present time? No bill has been brought to the Seventy-fourth Congress providing for treatment of the lower Mississippi Valley situation. We did include these 26 reservoirs in an omnibus bill which passed this House last year, but we all remember the fate of that bill. It was laughed out of court when sent over



to the Senate. It was held up to ridicule and, as a consequence, the bill lies dormant today.

This bill has passed the Senate. It has received the approval of the Army Engineers, as well as the Mississippi River Commission. If we load the bill down with amendments I doubt if there is any chance to have it enacted at this session of Congress.

Mr. RICH. Will the gentleman yield?

Mr. ZIMMERMAN. I yield to the gentleman from Pennsylvania.

Mr. RICH. Have the Army Engineers approved section 5?

Mr. ZIMMERMAN. They have not approved section 5, but they will not object to it if incorporated in this bill, so General Markham stated to the committee the other day.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. FORD].

Mr. FORD of California. Mr. Chairman, I do not suppose a great many Members of the House fully realize the situation that exists in the Mississippi Valley as a result of the floods of the Mississippi River. We read about the situation in the papers and we know something about it in a general way. But, Mr. Chairman, I lived on that river for a great many years, and I know something about the situation. Millions of dollars have been squandered on various types of improvement on that river with the idea of checking floods, but I am convinced the only way the floodwaters of the Mississippi River can be controlled is by going to the source, and through the medium of dams and reservoirs we may make that river safe.

We had a similar condition in California and Arizona under the Colorado River project. The Colorado River some years came down and flooded the whole area, and for a long time it hung like the sword of Damocles over the Imperial Valley. A dam was built at Boulder Dam which has served to check the situation and it has made life and property safe in the Imperial Valley.

Mr. COLDEN. Will the gentleman yield?

Mr. FORD of California. I yield to the gentleman from California.

Mr. COLDEN. Is it not true that at Boulder Dam, and generally throughout the country, flood control, navigation, and power go hand in hand?

Mr. FORD of California. They do. I should like to see this made a power project, but if it is not made a power project I am still in favor of it for the reason that flood control in a great, rich, magnificent area, such as is included in the Mississippi River Valley, is absolutely essential. The building of a purely flood-control dam does not necessarily mean that later on a dam which would produce power cannot be built there. For this reason I am heartily in favor of any measure that will take away from those people who live along the Mississippi River the danger and the fear of the appalling tragedy that occurs there ever so often when a flood comes along.

As a little boy I saw the Mississippi River come up over our farm and cover a thousand acres of corn to a point where if you went out in a boat and reached down you could not touch the top of the corn. That was rich ground and the corn grew high. Just about 18 or 20 miles below St. Louis, where the Meramec River joins the Mississippi River, I have seen our farm under 20 feet of water.

Mr. Chairman, I hope this measure will be passed.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, there is one thing this debate has developed, and that is the fact that as a national policy we have no policy so far as flood control is concerned. We picked up the lower Mississippi River in 1928 and used it as an individual project. We picked up the Sacramento flood-control project and used it as an individual project on a different basis. Then we picked up the Lake Okeechobee project. Those are the only three Federal-controlled projects and every one of them works on a different basis.

Let us take these various hearings: I do not care whether you take the hearings on the omnibus bill or the hearings on this bill or any other bill, you will find that all through the hearings runs the thread of thought that it might be better to control the water at the source—in other words, in the tributaries; but the Congress started, as General Markham stated, to establish a policy on the lower Mississippi of controlling the water after it got down there. That is the policy we are now requested by General Markham in these latest hearings to adhere to, because the Congress has established this policy in this single case. If Mr. Hoover and General Jadwin conceived an erroneous plan and Congress put it into execution in 1928, there is no reason why Congress should not in 1936 correct the error of the past.

We forget about all these other places that need flood control. General Markham in his latest testimony testified as to the economic loss, not in the lower Mississippi River country, but in the tributaries. He testified to the loss from the recent flood up in Pittsburgh, which was something like \$250,000,000 in one particular section, the city of Pittsburgh. Yet, on the lower Mississippi River in 1913, the loss from the whole flood of that year, according to the Mississippi River Commission figures, amounted to only \$160,000,000.

Mr. Chairman, I am in favor of the Federal Government going into the flood-control business as a national policy, and we should tackle the problem of these tributaries and congested districts where the loss is much greater than down where the floodwaters finally arrive. Unless we take care of these tributaries and take care of the economic loss in these tributaries, there will be no good come from these flood-control projects. We should consider the losses this past spring from the floods that occurred in New York, Connecticut, Ohio, Indiana, and elsewhere. We are not establishing a national policy. We are just keeping on with the old individual system which segregates one section from another or one region from another. Until we can reach the place where we have a national system, eliminate the economic loss in these tributaries, and confine the waters at the source, we will not accomplish anything. If we go to work on the lower Mississippi, or any other stream, we should take care of the tributaries as well. We have it on the testimony of General Markham and other officers of the Army Engineers that the great flood of 1927 in the lower Mississippi was caused by water that came out of the Arkansas; that the other floods were a result of the floodwaters in the Ohio. He further stated, "It is the combination that gives you the superflood", and that the Ohio floodwaters came from "small lakes and cracks in levees up the Wabash and up the Ohio." A national policy should make provision for impounding the water at the source.

[Here the gavel fell.]

Mr. RICH. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. JOHNSON].

Mr. JOHNSON of Oklahoma. Mr. Chairman, the great problem of flood control is one in which every Member of this House is or ought to be tremendously interested and deeply concerned. When I came to the Congress a few years ago I was anxious to be placed on the Flood Control Committee and was very much disappointed, as most new Members are, when I was not made a member of the committee that I had my heart set on. Two years later, however, I was given a place on the Flood Control Committee. During my service on that important committee I made considerable study of the Nation-wide problem of flood control. I enjoyed my service on that committee. It was a pleasure to serve with some of the most excellent gentlemen in this Congress, some of whom are still serving with distinction on that committee. But, frankly, I soon became convinced that the majority of the members on the Flood Control Committee were concerned primarily in legislation for the lower Mississippi. It seemed to me they were not very much interested in a Nation-wide flood-control system in which I was so deeply concerned. Our hearings and investigations were confined largely to the lower Mississippi River. The tributaries were practically ignored.



I wanted to approach the flood-control situation from a national viewpoint. I believed then, and am more fully convinced now, that if we are ever to have a comprehensive and effective flood-control plan in America that we must stop the waters on the upper reaches of the Mississippi and the other rivers and streams of the country and not wait until the water gets down toward the mouth of such streams where it is absolutely impossible to control the raging devastating floods that sweep everything before them.

May I say that I am tremendously interested in flood control on the Mississippi, as well as on its tributaries? But I am thoroughly convinced that there will never be any real flood control by constructing levees and dykes only on the lower Mississippi.

A few years ago I went with the Flood Control Committee down the lower Mississippi on an inspection tour. We were on a little boat on the Mississippi where we rode most of the way from Cairo, Ill., to New Orleans. We crossed the Mississippi many times, and strange as it may seem, when our committee got within less than 50 miles of New Orleans our little boat, with a clearance of only 5 or 6 feet, struck a sand bar and there we were stranded for hours because of the millions of tons of soil that had been washed from Oklahoma, Missouri, Iowa, Ohio, Illinois, and the other States down near the mouth of the Mississippi. When we reached the mouth of the great Father of Waters we saw that red dirt going out for miles and miles into the Gulf of Mexico, and I became more and more convinced that if we were to solve this gigantic problem we must build a system of reservoirs on the upper reaches of the Mississippi and its tributaries in connection with a real Nation-wide soil-conservation program. [Applause.]

Our committee was taken out in the lower valley, 15 or 20 miles from the channel of the Mississippi River, where we saw houses in treetops 20 feet high, a pitiful sight to behold. Such scenes should convince anyone that it would be absolutely impossible to build dikes, levees, and floodways to control that ocean of raging water on the lower Mississippi at flood stages. I know it cannot be done if we continue to ignore the upper tributaries. Frankly, I have a deep feeling that it is wasteful extravagance to continue to pour millions of dollars into the lower Mississippi and fail and refuse to make any effort to check the floods before they get to the lower Mississippi.

It is needless for me to say that I am going to support the pending amendment of the gentleman from Arkansas, because I am convinced it points the way to sane, sound, and practical flood control. If adopted, not one of the 26 proposed reservoirs will be constructed in the district I have the honor to represent in Congress, so I cannot be charged with having a selfish interest.

May I add that I shall support the Miller amendment for the further reason that I am convinced it proposes the proper policy concerning the great, perplexing problem of flood control? Now or later this Congress is going to be compelled to adopt a policy with reference to flood control, and we are never going to solve the flood-control problem until we approach it in the sane, sensible manner of building reservoirs and stopping the water—or at least checking it—near where it falls. [Applause.]

May I stress the thought that, in my judgment, now is the time the Congress ought to adopt a permanent flood-control policy? It is high time that the Congress should decide if we shall continue the present makeshift method of wasting money on the lower Mississippi with utter disregard to the upper tributaries from whence all floods come.

Of course, Mr. Chairman, we hear the old story that if this amendment is adopted, it kills the bill. That is an old gag we have been hearing for many years—"if this amendment is adopted it will kill the bill" is always resorted to when sound argument cannot be offered.

Mr. DRIVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. I shall be delighted to yield to my good friend from Arkansas.

Mr. DRIVER. Can the gentleman point to any one project that this Congress has ever authorized that was not based upon the recommendation of the Army Engineers?

Mr. JOHNSON of Oklahoma. No; I know of none. But since the gentleman raises that question, may I remind him that each of the 26 reservoirs provided to be constructed under the Miller amendment has received the approval of the Army Engineers. Of course, we all know that the Army Engineers have favored the lower Mississippi Valley and that very few of them look with favor on reservoirs. And yet they admit that these proposed 26 reservoirs would lower the Mississippi at flood stage more than 5 feet.

Mr. DRIVER. Mr. Chairman, will the gentleman yield further?

Mr. JOHNSON of Oklahoma. Yes; I yield again to my distinguished and able friend from Arkansas.

Mr. DRIVER. My statement is made in view of the fact that the project bill now pending in the Senate carries \$365,000,000 of authorized projects recommended by the engineers.

Mr. JOHNSON of Oklahoma. Oh, yes; but who in the world can tell what the body at the other end of this Capitol Building will do about flood control or on any other matter of legislation? [Applause.]

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. WHITTINGTON].

#### FLOOD-CONTROL WORKS IN THE ALLUVIAL VALLEY OF THE MISSISSIPPI RIVER

Mr. WHITTINGTON. Mr. Chairman—

Mr. FULLER. Mr. Chairman, I want to ask the chairman of the committee a question.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. WHITTINGTON. No; I do not yield. Mr. Chairman, the bill under consideration involves no new plan, no new projects. It is an amendment to the Flood Control Act of May 15, 1928. It provides for the enlargement and expansion of that act.

It is confined to the alluvial valley of the lower Mississippi River. The Flood Control Act of May 15, 1928, was passed after the most exhaustive hearings ever conducted by the Committee on Flood Control.

Mr. FULLER. Mr. Chairman, the gentleman is making a very interesting speech and he ought to have a better audience. I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] One hundred and seven Members are present, a quorum.

Mr. WHITTINGTON. Mr. Chairman, the bill under consideration for flood-control works in the alluvial valley of the Mississippi River involves no new projects. It provides for an authorization of \$272,000,000 to be expended over a 6-year period. The bill is an amendment to the Flood Control Act of May 15, 1928. That act was passed by Congress after most thorough and exhaustive investigations. The Mississippi River has been studied by the Corps of Engineers for more than a hundred years.

The Flood Control Act of 1928 is sound from an economic and engineering standpoint. Levees along the main river were raised, strengthened, and enlarged; they were supplemented by floodways and diversions. The New Madrid floodway was to protect the territory in the vicinity of Cairo; the Boeuf diversion was to protect the area between the Arkansas and the Red Rivers; the Atchafalaya floodway was to provide for an additional outlet to the Gulf; the Bonne Carre spillway was primarily for the protection of the city of New Orleans.

At the time the project was adopted, all methods of flood control were considered, including the reservoir plan. The act provided for additional studies with the view to substituting reservoirs between Cape Girardeau and Baton Rouge for the Boeuf diversion. Further studies were made; the policy of diversions was reaffirmed. The Flood Control Committee of the House on January 28, 1932, requested the Chief of Engineers to examine and review the project with the view of determining if changes or modifications should be made in its final execution.



Prior to the great flood of 1927 all of the natural outlets had been closed; the last outlet to be closed was Cypress Creek in the vicinity of Arkansas City. There was a natural outlet in the vicinity of Arkansas City that provided for the escape of excessive floods through the Boeuf and Tensas Basins. Prior to 1916 this outlet was 12 miles wide. The Mississippi River Commission, representing the Government, permitted the outlet to be closed. In 1919 it was only 1,200 feet wide. In 1921 the Cypress Creek outlet was closed; the Mississippi River Commission committed a blunder; a monumental mistake was made. It was thought that levees only would solve the problem of flood control in the lower Mississippi Valley. As a result of the closing of Cypress Creek, the lands were cleared, cities were established, drainage canals were constructed, and highways were built. The people relied upon the Government.

In the Flood Control Act of 1928 a fuse-plug levee was provided at the head of the so-called Boeuf diversion. Other levees above and below and on the opposite side were raised, strengthened, and enlarged; the fuse-plug levee was to remain substantially at the 1914 grade. The plan is and was that excessive floodwaters would crevasse the weaker and lower levee and thus divert the waters through the Boeuf Basin. Guide levees were provided.

Section 4 of the Flood Control Act of 1928 declared that the United States would provide flowage rights for the destructive waters that were passed by reason of the diversion from the main channel. The people in the Boeuf Basin construed the act to mean they would be entitled to payment for flowage rights. An opposite view is entertained by the Chief of Engineers.

I opposed the fuse-plug levee. I advocated then, and advocate now, an automatic, controlled diversion, with compensation for flowage rights. The fuse-plug levee has always been a source of irritation and dissatisfaction.

Meantime, property owners in the Boeuf Basin filed suits for large amounts of damages. These suits are pending. After carefully studying the adopted project, Maj. Gen. Edward M. Markham, Chief of Engineers, on February 12, 1935, in House Flood Control Committee Document 1, Seventy-fourth Congress, first session, submitted a report and recommended an amendment to the Flood Control Act to provide for the substitution of a controlled diversion at Eudora for the Boeuf diversion, to provide for the Morganza floodway and the Atchafalaya floodway and to provide for projects for the St. Francis River and the Yazoo River, important tributaries of the Mississippi River, located wholly within the alluvial valley.

#### AMENDMENT

The pending bill contains the recommendation of the Chief of Engineers. It is approved in the main by him. The purpose is to modify, enlarge, and perfect the plan adopted in the act of May 15, 1928.

The Flood Control Act of May 15, 1928, declared that the problem in the lower Mississippi Valley was national. The act affirmatively declared that the people of the lower Mississippi Valley had complied with the principle of local contribution and stated that they had contributed prior to 1927 approximately \$292,000,000. The act further declared, and I quote:

No local contribution to the project herein adopted is required.

While the act specifically provides that the Federal Government will pay for the flood-control works, it required the local interests to furnish the rights-of-way for levees along the main river. This involved large expenditures. The local interest are now paying heavy levee taxes. There were outstanding bonds for works that had been constructed prior to 1927; interest and maturities must be met. The local interests were required to maintain the works. As shown by a letter of the Chief of Engineers to the chairman of the Flood Control Committee of the House dated April 23, 1935, the local interests in the lower Mississippi Valley, since May 15, 1928, up to that time—more than a year ago—had expended an additional \$41,413,630.66.

The act of May 15, 1928, authorized an appropriation of \$325,000,000. Of this amount approximately \$100,000,000 was in aid of navigation.

The pending bill, which is an amendment of the act, authorizes an appropriation of \$272,000,000, of which approximately \$72,000,000 is for navigation works. The Mississippi River is the longest navigable river in the world; the Ohio is navigable; the Missouri is being made navigable. It is interesting to recall that the total tonnage along the Mississippi River in the very heyday of steamboat activities and prior to the elimination of river traffic by railways was around 6,000,000 tons. The annual tonnage is now around 20,000,000 tons. The Mississippi River is the most important navigable river in the United States; for 300 miles above its mouth it has a channel 30 feet deep; ocean-going vessels are accommodated the year round. The large expenditures made for navigation along the Ohio, the upper Mississippi, and the Missouri Rivers would be in vain if provision were not made for navigation in the lower Mississippi River. The navigation works are continuous; bars in rivers must be cleared and bars in harbors must be removed.

#### ESTIMATE

Of the \$325,000,000 authorized in the Flood Control Act of 1928, expenditures have been made, properly chargeable to improvements for flood protection, aggregating about \$205,000,000. Some \$70,000,000 has been expended for improvements for navigation. The authorization of \$325,000,000 was an estimate. I quote from the report of the Senate Committee on Commerce on the Flood Control Act of May 15, 1928, which report is dated March 24, 1928:

This work is of such magnitude that the sum of \$325,000,000 must be considered as simply an estimate; the actual cost of the work will doubtless be much more. If, as the work nears completion, an additional sum is found to be necessary, there can be no doubt but that Congress will authorize its appropriation.

Gen. Edward M. Markham, Chief of Engineers, emphasized that no responsible person ever entertained the idea that \$325,000,000 would complete the project authorized by the act of May 15, 1928. He called attention to the fact that the Mississippi River Commission, in its report, stated that it would cost, roughly, \$775,000,000.

#### SOUND

The gentleman from Arkansas [Mr. MILLER] urges that the Arkansas and the White Rivers be accorded the same treatment as the lower Mississippi River. The friends of flood control will not be deterred. He speaks disparagingly of the pending bill by calling it sacred. He has used an incorrect term. Sacred is hardly a proper term to apply to legislation, whether it be on the lower Mississippi River or its chief tributaries; in fact, I doubt if the word "sacred" is applicable to legislation generally, but it is important that legislation be sound. It is important that it be economically justified. It is because the pending bill is sound and economically justified that no amendment should be made.

All projects should stand on their merits. The Arkansas and White Rivers are entitled to the same treatment accorded to other tributaries and to other similar rivers. The case is not on all fours with the St. Francis and Yazoo. These rivers are influenced by the waters of the Mississippi River and are located wholly within the alluvial valley.

#### NATIONAL FLOOD CONTROL

Two bills are pending in Congress. The Overton bill has been passed by the Senate and is now under consideration here. The omnibus flood-control bill to provide for the Arkansas, White, and other rivers, has passed the House and is now under consideration in the Senate.

I believe that flood control is a national problem. The administration is attacking the problem in two bills. The Mississippi River presents entirely different questions from those that occur on other streams. The pending bill is applicable to the alluvial valley. I am sympathetic with flood control on all rivers and on all streams. I will continue to promote all worthy projects in the Omnibus Flood Control Act. Public opinion has been focused upon flood control as



a national issue by the destructive floods of the past few years. I believe that those who dwell along the tributaries of the Mississippi River will promote national flood control by insisting that worthy projects be retained in the omnibus bill, that all projects stand on their merits, and that the Federal contributions be most liberal. At the same time national flood control will be promoted by the passage not only of the omnibus bill but of the pending bill.

I voted for flood-control works along other rivers. Without criticizing, I thought it would be unwise to oppose reservoirs along the Monongahela, along the Colorado, along the Tigris, along the Columbia, and along the Tennessee Rivers merely because those acts did not provide for the lower Mississippi River. I did not pursue the unwise course of undertaking to amend the Tennessee Valley Authority or other projects by insisting that they embrace the lower Mississippi Valley. As I have stated, all legislation should be considered on its merits.

#### ARKANSAS AND WHITE RIVERS

The gentleman from Arkansas [Mr. MILLER] and the gentleman from Arkansas [Mr. TERRY], repeatedly stated before the Committee on Flood Control, and they now state, that they do not oppose the pending bill or any of the projects in the bill, but they ask that it be amended so as to include reservoirs along the Arkansas and White Rivers.

Personally, I should like to see the reservoirs constructed at Federal expense, but the Chief of Engineers and president of the Mississippi River Commission state that the building of the reservoirs would not eliminate the Eudora diversion; in other words, the Chief of Engineers has repeatedly stated that he favors the pending bill, but that he would oppose it if provision is made for the building of the Arkansas and White reservoirs at Federal expense. He maintains these reservoirs are valuable primarily for local flood control. At the same time, he is frank to admit, as I am glad to say, that they are the best reservoirs for flood control insofar as the lower Mississippi River is concerned. He asserts that equivalent protection at much less cost to the people of the country can be provided by the Eudora diversion.

#### DAMAGES

It has been repeatedly urged that much of the authorization of \$272,000,000 will be used to pay for lands and flowage rights in the Eudora and other floodways.

The Public Treasury is protected. Only a small part of the authorization can be devoted to acquiring lands and flowage rights for floodways.

Under section 12 of the bill, a floodway 10 miles wide and more than 100 miles long is contemplated. Improved lands, highways, and canals are involved. The area in the Eudora floodway and in the set-back levee district in the vicinity of Arkansas City is approximately 822,000 acres. It is well to keep in mind that the Chief of Engineers recommends the Eudora floodway as a substitute for the Boeuf floodway, because the Boeuf floodway would be more expensive and would embrace more than a million acres of land.

The pending bill provides that not more than \$20,000,000 shall be paid for 75 percent of the flowage rights and rights-of-way in both the Eudora and Morganza floodways. In the Morganza floodway there are some 65,000 acres of land. I repeat, but a small part of the authorization is for lands and flowage rights; it is to be devoted to flood-control works, including levees and spillway structures.

#### MINORITY REPORT

There is a minority report signed by the Republican members of the committee, with one Democrat. Those signing the minority report do not oppose the pending bill; they admit that legislation for the lower Mississippi is imperative, but they ask that no bill be passed unless that bill embraces all rivers in the United States. The administration has a different plan. The problem is to be solved by two bills. The Overton bill deals with the lower Mississippi River; the omnibus flood-control bill embraces other rivers in all other parts of the country. The administration evidently favors both bills. The Republican members of the committee advocate delay. The country demands flood-

control legislation. We have postponed the matter long enough; the time for action has arrived.

It is passing strange that those who are responsible for the minority report advocate for tributaries of the Mississippi River the exact provisions of the pending bill for the Yazoo and St. Francis Rivers. They fail to discriminate; they fail to consider all of the factors; they overlook the fact that these two rivers are wholly in the alluvial valley; that they are unlike any other stream. They overlook the fact that these two rivers are now and have been for 75 years contributing to flood-control works along the lower Mississippi River.

The south bank of the Arkansas and the west bank of the Red River have been provided for. The pending bill merely does for the Yazoo and the St. Francis in the headwater area what has been done for the Arkansas and Red in the backwater areas.

It is easy to criticize; it is most difficult to construct. The minority report calls attention to a newspaper interview purported to have been given by General Ferguson, president of the Mississippi River Commission, to the Times-Picayune on April 8, 1936. This is but a sample of the fallacy of the minority report. When Mr. MILLER, of Arkansas, referred to the matter in his statement before the Flood Control Committee, as shown by the hearings April 30-May 1, 1936, page 47, General Ferguson wired as follows:

No statement made by me to newspapers was intended to infer that my views on the need of Eudora or other floodways have been changed from those given before the House Flood Control Committee in 1935.

If the minority report had been fair, instead of quoting from a newspaper report, General Ferguson's statement to the committee would have been quoted. General Ferguson stated before the Flood Control Committee of the House in 1935 and before the Commerce Committee of the Senate in 1936 that the construction of reservoirs along the Arkansas and White Rivers would not eliminate the necessity for the Eudora floodway. Maj. Gen. Edward M. Markham, Chief of Engineers, repeatedly over and over again stated that the reservoirs along the Arkansas and White would be additional factors of safety, but that he could not recommend that they be constructed at Federal expense. He emphatically stated that equivalent relief at much less cost could be obtained by diversions.

Mr. Chairman, in this connection, under consent given, I include the following letter from General Markham, the Chief of Engineers, to the chairman of the committee, dated April 28, 1936. The letter is as follows:

APRIL 28, 1936.

HON. RILEY J. WILSON,  
Chairman, Committee on Flood Control,  
House of Representatives, United States,  
Washington, D. C.

DEAR JUDGE WILSON: When I received from you several days ago certain newspaper articles quoting statements attributed to General Ferguson with respect to the control of the Mississippi River by means of cut-offs, dredging, and sand dikes, I instructed General Ferguson to wire me what he wished to say having any relation to the necessity for the Eudora floodway. In answer I have received the following telegrams:

CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Munitions Building, Washington, D. C.:

The Eudora floodway is necessary. I urgently recommend that all the engineering work recommended in the report of the Mississippi River Commission be authorized.

FERGUSON.

CHIEF OF ENGINEERS, UNITED STATES ARMY,  
Munitions Building, Washington, D. C.:

Re tel twenty-fifth no statement made by me to newspapers was intended to infer that my views on the need of Eudora or other floodways have been changed from those given before House Flood Control Committee in 1935.

FERGUSON.

Pertinent testimony by General Ferguson on this subject will be found on pages 75, 76, 77, and 78 in hearings before a subcommittee of the Committee on Commerce, United States Senate, Seventy-fourth Congress, second session, on S. 3531, a bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928 (Jan. 27, 28, 29, and 30, 1936).

The ultimate effects of cut-offs, dredging, and sand dikes on the control of the floods of the Mississippi River are at this time unknown. The beneficial effects which can be hoped for by such



measures are not sufficiently large to warrant the consideration of them as a substitute for the floodways and other positive measures that have been recommended by me.

Yours very truly,

E. M. MARKHAM,  
Major General, Chief of Engineers.

Mr. Chairman, also in this connection, under the consent given, I include a letter from the Chief of Engineers to the chairman of the committee, reporting on the bill under consideration and approving the bill, as I have stated, except as to section 5, which letter is dated April 30, 1936, and is as follows:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
Washington, April 30, 1936.

HON. RILEY J. WILSON,

Chairman, Committee on Flood Control,

House of Representatives, Washington, D. C.

DEAR JUDGE WILSON: In compliance with your request to me at the hearings before the Flood Control Committee of the House on April 30, 1936, I have to inform you that bill S. 3531, a bill to amend the act entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", approved May 15, 1928, as amended and passed by the Senate on April 21, 1936, with the exception of section 5 now conforms to the views of the Department and satisfies the objections urged to the bill in the report of the Secretary of War of February 15, 1936, to the Commerce Committee of the Senate, which report was made prior to the amendments that were adopted by the Senate.

Yours very truly,

E. M. MARKHAM,  
Major General, Chief of Engineers.

#### ECONOMICALLY JUSTIFIED

Those who advocate flood-control works under the guise of solving the problem in the lower Mississippi River, but in reality for local flood protection along the tributaries, often assert that the money heretofore appropriated by Congress for flood protection along the lower Mississippi Valley has been wasted. The statement is utterly inaccurate. Every dollar appropriated under the act of May 15, 1928, will be conserved; all levees constructed will be continued; all works will be utilized. The whole purpose of the pending bill is to expand and to enlarge the project so as to provide for the execution of the plan contemplated.

#### RESERVOIRS

Reservoirs provide an ideal method of flood control from a strictly engineering standpoint, but for the control of the floods in the alluvial valley of the Mississippi River the costs are excessive. The costs of reservoirs on the headwaters or tributaries for flood control in the lower stretches of alluvial rivers are really prohibitive.

Reservoirs are effective for the control of floods especially along the smaller streams and tributaries of the larger rivers.

The reservoirs for protection of the areas along the headwaters of the tributaries of the Mississippi River will not provide for the prevention of floods along the main river. It is essential that reservoirs for this purpose be located close to the alluvial valley, as in the case of the reservoir along the St. Francis River and the reservoirs along the Yazoo River system.

Reservoirs for flood control along the lower Mississippi River have been advocated especially by those who live along the tributaries.

Section 10 of the Flood Control Act of 1928 directed the Mississippi River Commission to investigate most thoroughly reservoirs along the tributaries. The purpose was to ascertain if reservoirs could be constructed so as to eliminate provisions for diversions or floodways.

A comprehensive report was submitted and was published as House Document 259, Seventy-fourth Congress, first session. One hundred and fifty-seven reservoirs were investigated; the total capacity was approximately 94,000,000 acre-feet; the estimated cost was \$1,126,121,000. The Chief of Engineers, the Board of Engineers for Rivers and Harbors, and the Mississippi River Commission reported that if these reservoirs along the Mississippi River were constructed and in operation, a diversion either through the Boeuf Basin or through the Macon Basin at Eudora could be eliminated, but they further reported, as all accomplished engi-

neers agree, that the levee system that now obtains, with the reservoir system, would be imperative and must be maintained to protect the lower Mississippi Valley from maximum floods.

Those promoting reservoirs for local flood control along the tributaries of the Mississippi River make the mistake of asserting that the policy of levees has failed. In their eagerness for local protection at Federal expense they would destroy protection in the lower Mississippi Valley.

Gen. H. B. Ferguson, President of the Mississippi River Commission, in testifying before the Flood Control Committee of the House in May 1935, said that about 12 percent of the storage of the 157 reservoirs at about 14 percent of the estimated costs of the 157 reservoirs had been constructed at Fort Peck, on the Muskingum, the Tigret, and the Tennessee Rivers, but he stated that the combined effect would be to reduce the floods only 50,000 cubic second-feet at the mouth of the Arkansas River, where in a maximum flood there are a million cubic feet that must be diverted. The effect would be to reduce the floods at the mouth of the Arkansas River one-half a foot.

Again, Gen. Edgar Jadwin, Chief of Engineers, estimated that in the flood of 1913 if all of the water flowing by Pittsburgh on the Ohio River, all of the water flowing by St. Paul on the Mississippi River, and all of the water flowing by Sioux City on the Missouri River had been held back by reservoirs, the flood waters south of Cairo would have been reduced by only 2 percent.

The reservoirs on the Miami River in Ohio contribute to reducing the Cairo gage one-fifth of an inch.

Arthur E. Morgan, Chairman of the Tennessee Valley Authority, made the following statement in connection with the great Mississippi flood of 1927:

The excessive rains which cause any single flood seldom extend over more than 20 percent of the whole drainage area of the Mississippi River. \* \* \* Flood control of the lower Mississippi by means of reservoirs on the headwaters of the streams is a delusion.

The Chief of Engineers has repeatedly testified in hearings on flood control that the control of the floods in the lower Mississippi Valley cannot be accomplished by reservoirs on the tributaries of the Mississippi River. The cost of construction is prohibitive and the time required would unduly and dangerously delay protection, but if constructed the diversions are necessary insurance while the reservoirs are being built.

Reservoirs constructed primarily for flood control cannot be used for the development of power or for reclamation. It takes an empty reservoir to provide for flood prevention, while it takes a full reservoir to generate power.

Again, reservoirs constructed for flood-control purposes to benefit the lower Mississippi River cannot benefit the local areas as fully and as completely as reservoirs constructed primarily with the view to protecting the local area along the headwaters of the tributaries. The most effective reservoirs for flood control along the lower Mississippi River are those that are located closest to the alluvial valley, as in the Yazoo River project.

But there is a place for reservoirs; they are beneficial for flood control along the tributaries. There are areas that can be protected by the use of dams. This is especially true where the benefits will exceed the costs of construction.

The best way to promote reservoirs along the tributaries is to concede that they supplement but cannot substitute for levees or diversions along the lower Mississippi River.

#### MISSISSIPPI RIVER

The alluvial valley of the Mississippi River extends from Cape Girardeau, Mo., to the head of the passes where the river flows into the Gulf of Mexico. The distance by river is 1,100 miles, but as the crow flies the distance is 600 miles. The valley ranges from a width of 20 miles in the vicinity of Natchez to a width of 80 miles in the vicinity of Greenville, the average width being 50 miles. Twenty million acres, before the building of levees, were subject to overflow. The



major floods come on an average of once in 15 years. Ordinary or minor floods occur from 5 to 10 years. The area includes the St. Francis Basin in Arkansas, the Yazoo Basin in Mississippi, the Tensas Basin, composed of the Boeuf and Macon Valleys, the Atchafalaya Basin, and the LaFourche Basin, as well as the alluvial lands adjacent to the Mississippi River on the east bank around Lake Ponchartrain in Louisiana.

The territory drained by the Mississippi River and its tributaries consists of all or parts of 31 States, is equivalent to 41 percent of the area of the United States, and has a total area of 793,600,000 acres.

The problem of flood control in the lower Mississippi Valley involves confining the waters between levees along the main river and diversions and floodways to supplement the levees along the main river that formerly constituted a mighty river 50 miles wide from Cairo to the Gulf of Mexico.

In the pending legislation we are dealing with the greatest valley in the world. The Mississippi River is in reality not only the chief navigable river in the United States, but it is the great drainage canal of the Nation. Hundreds of millions of dollars have been expended along the Ohio, the Missouri, and the upper Mississippi for navigation. Unless there is an outlet to the sea through Mississippi with a dependable channel, improvements for navigation in the upper stretches and tributaries of the Mississippi River are in vain.

Bienville chose the site for New Orleans because it was above high water at the time he found it. The first levee built at New Orleans was in 1717. Ten years later it was the boast of the Governor that the levee was a mile long and 18 feet wide. The country was being settled; lands were being cleared. By 1812 the landowners had leveed the river on both banks for 340 miles above and below New Orleans.

By 1927 the entire levee line from Cape Girardeau to the Gulf had been substantially completed to the 1914 grade. The total amounts contributed by the Federal Government for building the levees, as compared with the local contributions, were small. All of the natural outlets were closed except the outlet through the Atchafalaya River.

The history of the improvement of the Mississippi River is interesting. The improvements were begun and continued until 1927 primarily in aid of navigation. Flood control came in at the back door.

Congress in 1820 appropriated \$5,000 to investigate the Ohio and Mississippi Rivers. S. Bernard and Joseph G. Tutten, Army engineers, made the surveys and submitted the report in 1822. It was in 1850, upon the election of Gen. Zachary Taylor as President, that Congress appropriated \$50,000 for starting the surveys made by the Army engineers Humphreys and Abbott. General Taylor had been a cotton planter in Louisiana; he had lived on the banks of the Mississippi River. The report of these engineers made in 1861 remains as the most authoritative report ever published on the Mississippi River, or on any other river.

During the War between the States improvements along the Mississippi River were interrupted. Following the war the States and local interests were unable to rebuild. The levees built by the local interests were destroyed during the war by the armies of the contending forces for military purposes. The great floods continued to appear.

From the first Federal aid for improvements along the Mississippi River was primarily for channel stabilization to promote navigation. However, leading statesmen advocated flood control—Henry Clay, John C. Calhoun, Thomas H. Benton, Abraham Lincoln, and James A. Garfield were among the American statesmen who advocated the improvement of the Mississippi River for commerce and for flood control.

The Mississippi River Commission was organized in 1879. In 1881 Congress appropriated \$1,000,000 for improvements on the Mississippi River, primarily for navigation.

An appropriation of \$4,000,000 in 1882 was vetoed by the President. Subsequent appropriations were increased and by 1912, \$6,000,000 was being appropriated annually.

The Flood Control Act of 1917 authorized the first definite appropriation for flood control. The Government contributed one-half the costs of building levees where the local interests

had been unable to build them. The work was interrupted and impeded by the World War. A subsequent Flood Control Act was passed in 1923 with an authorization of \$60,000,000. It was intended to supplement and reinforce the Flood Control Act of 1917, interrupted, as I have stated, by the World War.

The policy of levees only prevailed. The Cypress Creek outlet in the vicinity of Arkansas City, at the head of the Boeuf Basin, was the last natural outlet to be closed. A monumental mistake was made. This outlet was closed in 1921. The great flood of 1927 demonstrated that levees only would not solve the problem. Two hundred and forty-six people lost their lives; 700,000 people were driven from their homes; the lower Mississippi Valley was flooded from April until August; no crops were made; property was damaged and destroyed, according to the report of the Chief of Engineers, in value from \$200,000,000 to \$400,000,000. The American people voluntarily contributed, through the American Red Cross, for rescue and relief work, \$18,000,000.

Congress, in response to public sentiment, put its hand to the plow. The people of the lower valley had done their best; they had spent \$292,000,000, according to the report of the Chief of Engineers, in an effort to protect their lives and their property. It was apparent to the country that they were unable to protect themselves from the waters that came from points as far east as Pittsburgh and as far west as Idaho, and from the waters of all the territory between the Alleghenies and the Rockies.

The local interests had incurred large indebtedness in building the levees to the 1914 grade. There were millions of dollars in outstanding bonds; recurring floods had resulted in bankruptcy to some of the local levee boards. The Flood Control Act of 1928 was passed; \$325,000,000 was authorized. The project provided for diversions, spillways, and floodways to supplement levees.

I repeat to emphasize that the pending act is to amend the Flood Control Act of 1928 and to provide for the perfection and completion of that act. I repeat to emphasize that all levees constructed and other flood-control works built will be utilized, and that all of the moneys heretofore appropriated for flood control along the Mississippi River will be utilized. No improvements will be discarded and no money has been wasted.

#### CONSERVATION

I believe in the conservation of the soil as well as the conservation of all our natural resources. I favor the policy of reforestation. There is no conflict between these measures and plans for flood control. They are worth while; they can stand on their merits. It is not necessary for those who advocate the conservation of natural resources to maintain that the policy will result in the control of floods. Those who advocate reforestation and soil conservation as substitutes for flood-control measures deal in generalities; they fail to submit any data to show either the costs or results of conservation or reforestation as flood relief and control methods; they overlook the fact that long before the soil was depleted or the forests were wasted there were great floods along all of the rivers and streams of the United States. Soil conservation and reforestation are by no means synonymous with works for flood control.

New times and new conditions demand new measures. I am interested in flood control along all rivers and in all States. I am interested in little waters, but I am emphasizing big rivers. The digging of a few ditches, the building of a few dams will not suffice. The planting of grass and trees and soil-conserving crops is not enough. There is a place for the policy of reforestation and soil conservation, but there is also a definite place in the program for flood-control works. There must be levees, floodways, and reservoirs. The two policies should supplement each other.

#### YAZOO AND ST. FRANCIS RIVERS

The Yazoo River in Mississippi and the St. Francis River in Arkansas are located in the alluvial valley. The Representatives from Arkansas will speak for the St. Francis River. I have studied the project; it is justified. I know



that the residents of both the Yazoo and St. Francis are now and have been for years taxed for flood protection along the lower Mississippi River. I speak especially of the Yazoo Basin.

There are 4,250,000 acres of land in the Yazoo Basin; there are two flood problems—one from the overflows of the Mississippi River and the other from the overflows of the Yazoo River. The Yazoo River system takes its source near the Tennessee line and flows southerly along the foothills of the Yazoo Basin and empties into the Mississippi River at Vicksburg.

As I have stated, the Flood Control Act of 1928 declared that flood control along the lower Mississippi River was a national question, and that the local interests should not be required to make contribution, but the fact remains that at the time of the adoption of the project the local interests were required to maintain the works after completion and to provide for rights-of-way. There were millions of dollars in bonds outstanding. The people in the Yazoo Basin, including the Yazoo River system, are now and have been for 75 years contributing to flood-control works along the Mississippi River; they have contributed approximately \$55,000,000. In addition, they have expended, as shown by the report of the engineers, \$20,000,000 for local protection. They have taxed themselves to the limit; they have paid for protection which they have not received. The cases of the Yazoo and the St. Francis Rivers are different from any other streams. No other streams, except those now protected in the alluvial valley, are paying for flood works along the lower Mississippi River. Flood-control projects, therefore, along the Yazoo and St. Francis Rivers are included in the pending bill. No other taxpayers have been or are now contributing to flood-control works along the Mississippi River. The valleys of these two tributaries are the largest, most productive, and highly improved along the Mississippi River.

The Yazoo project will protect approximately 1,570,000 acres of extremely fertile and productive land.

There were two maximum and excessive floods in 1932 and in 1933. In the flood of 1932, which was the largest flood in 50 years, 993,000 acres were flooded; in 1933, 600,000 acres were overflowed; in 1935, 550,000 acres were overflowed, with 25 deaths, and damages aggregated \$2,000,000. Substantially one-half of the area is cultivated and 90 percent is suitable for cultivation; there are some 400 miles of railways, 700 miles of improved highways, and more than 300,000 people are affected.

The Yazoo River is navigable. One million five hundred and seventy thousand acres in the headwater area and 300,000 acres in the backwater area will be protected. The proposed reservoirs will be located near the foothills. All engineers agree that reservoirs most beneficial for flood control in the alluvial valley are those that are located near the valley. There is an unusual opportunity to demonstrate the reservoir theory in the pending bill.

Under the Emergency Relief Act of 1935 an appropriation for the largest of the reservoirs has been made. During the present session Congress has already made an appropriation for the next fiscal year. One-third of the reservoir work has thus been authorized. The project was favorably recommended by the Director of the Budget and by the President of the United States. I know of no more beneficial project.

The Yazoo River is about 520 miles long. There are many and diverse interests. The Yazoo Delta is the home of long-staple cotton. The project would protect one of the most important and valuable areas of the United States and will demonstrate the practicability and desirability of the so-called reservoir system of flood control along the lower Mississippi River.

The local interests must do their part. Under the recommendations of the Chief of Engineers they are required to maintain the works, to furnish rights-of-way for all levees, and to pay for all highway relocations and damages.

The Yazoo River is the principal tributary of the Mississippi River on the east bank between Cairo and the Gulf of Mexico.

The Chief of Engineers recommends the reservoir system along this river as the most practical and economical method of flood control. He was most careful to state that while the floods along the main Mississippi River would be reduced at Vicksburg by 6 or 8 inches, his recommendation was not based altogether upon this fact. He emphasized the large area, the contributions to flood control along the Mississippi River, the backwater influence, the large expenditures made, and the necessity for a comprehensive plan. I would favor any similar project anywhere in the United States.

#### ANALYSIS

The bill is short. It was referred to the Chief of Engineers; the bill in its entirety was approved by him, except section 5. His favorable report on the bill appears on page 10 of the committee report. While he does not recommend section 5, it is fair to say that this section deals with an inconsiderable part of the authorization, and that, while the Chief of Engineers did not recommend section 5, this section is recommended, as shown by the hearings, by the Mississippi River Commission.

The committee report contains a careful and correct analysis of the bill section by section. There is no occasion to repeat the analysis here, except to say that the bill is an amendment of the Flood Control Act of 1928; is economically and engineeringly sound; provides for no new project; inaugurates no new policy; contemplates the enlargement and completion of the adopted project, and is recommended by the Chief of Engineers.

#### CONCLUSION

The Corps of Engineers of the United States are the ablest flood-control engineers in the country; they speak for the country; they are impartial. I know of no better agency to represent the country and the Congress. All projects are treated on their merits. I favor a policy of national flood control. The execution of the project should be under the Chief of Engineers. Congress can make no mistake when the recommendations of the Chief of Engineers are followed and adhered to.

Population is increasing; the hazards of floods are multiplying; the damages are increasing. The Federal interest in flood control is becoming more and more important. In our complex civilization, in our efforts to conserve and preserve our national resources and to protect life and property the policy of flood control will be expanded from time to time to meet new and changing conditions. The increasing hazards demand protection from floods that can be economically prevented.

The Flood Control Act of 1928, as amended in the pending bill, provides for the greatest river improvements in history. There are 20,000,000 acres of land in the alluvial valley; 12,000,000 acres are usable and will be protected when the project is executed; there are 4,000,000 acres in backwater areas and 4,000,000 acres in channels, diversions, and floodways. Eight million acres are protected about half of the time.

The leading nations in all of the ages, as a proper governmental function to promote the general welfare, have provided for public works. Permanent and beneficial public works always contribute to the progress and advancement of our common country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include therein quotations from the hearings from the statements of General Markham and General Ferguson and a reply made by the president of the Mississippi River Commission to a newspaper article quoted by the minority report, and a letter from the Chief of Engineers to the chairman dated April 28, 1936, and to include a letter from the Chief of Engineers approving the bill under consideration to the chairman of the committee dated April 30, 1936.

The CHAIRMAN. Without objection, it is so ordered. There was no objection.



The CHAIRMAN. All time for general debate having been exhausted, the Clerk will read the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the project for the control of floods of the Mississippi River and its tributaries, adopted by Public Act No. 391, approved May 15, 1928 (45 Stat. 534), Seventieth Congress, entitled "An act for the control of floods on the Mississippi River and its tributaries, and for other purposes", is hereby modified in accordance with the recommendations of section 43 of the report submitted by the Chief of Engineers to the chairman of the Committee on Flood Control, dated February 12, 1935, and printed in House Committee on Flood Control Document No. 1, Seventy-fourth Congress, first session, as hereinafter further modified and amended; and as so modified is hereby adopted and authorized and directed to be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers.

Mr. MILLER. Mr. Chairman, I offer an amendment. Pending that, Mr. Chairman, I would like to ask someone a question for information. The debate on this amendment will probably run on for several minutes. I wonder if we want to go into debate on the amendment tonight.

Mr. WILSON of Louisiana. Yes.

The CHAIRMAN. The Clerk will report the amendment. The Clerk read as follows:

Amendment offered by Mr. MILLER: Page 2, line 7, after the word "Engineers", insert a new section, as follows:

"The Chief of Army Engineers, under the direction of the Secretary of War, is authorized and directed to change, modify, and enlarge the engineering plans for the control of the floodwaters of the Mississippi River and its tributaries, adopted by the provisions of the act approved May 15, 1928, in accordance with the report of the Chief of Engineers on 13 reservoirs in the Arkansas River Basin and 13 reservoirs in the White River Basin, described in the report of the Mississippi River Commission of December 15, 1934, and in the letter of the Chief of Engineers, dated May 15, 1935, to Hon. RILEY J. WILSON, chairman, Committee on Flood Control, House of Representatives, the same being Document No. 2 of the Committee on Flood Control, House of Representatives, Seventy-fourth Congress, first session, and, as so modified, are hereby adopted and authorized and directed to be prosecuted as projects, under the direction of the Secretary of War and under the supervision of the Chief of Engineers.

"That the projects for flood control in the Arkansas River Basin and the White River Basin hereby adopted and authorized shall include the acquisition at the cost to the United States of all lands and flowage necessary to the construction of said reservoirs, except flowage of highways, and the project shall not be undertaken until States or responsible local interests shall give satisfactory assurance that they will undertake without cost to the United States all alterations of highways made necessary because of the construction of the reservoirs and pay all damages which may result by reason of highway alterations: *Provided*, That the reservoirs hereinbefore provided for may be located by the Chief of Engineers in his discretion: *And provided further*, That penstocks or other similar facilities adapted to possible future use in the development of hydroelectric power may be installed in any dam herein authorized when approved by the Secretary of War upon the recommendation of the Chief of Engineers.

"All lands taken or used in carrying out the provisions of this section shall be paid by the United States as provided for in section 4 of the act approved May 15, 1928."

Mr. MILLER. Mr. Chairman, under this amendment the 26 reservoirs referred to are the 26 reservoirs that are listed in the Flood Control Committee, House of Representatives Document No. 2. They are the 26 reservoirs that the Army Engineers say will be most effective for the control of the flood waters of the Mississippi River. They are the reservoirs that will control 50 percent of the drainage area of the White River Basin and 55 percent of the drainage area of the Arkansas River Basin, or more than 50 percent of 183,000 square miles of territory, at a cost of \$126,719,000. That includes the entire cost, except the cost and damage to the highways. It follows exactly the formula laid down in the original bill with reference to the reservoirs in the Yazoo River system. I may say it follows exactly a provision that was adopted by the Senate this afternoon in an amendment to the omnibus flood-control bill now under consideration in the Senate, with reference to the payment of costs and with reference to the payment of damages for flowage rights for reservoirs that are authorized in that bill to be built in the Ohio Valley and other places.

In addition, Mr. Chairman, this amendment carries a provision authorizing the inclusion of penstocks and other facilities for the purpose of developing hydroelectric energy whenever the Chief of Army Engineers certifies their erection is

feasible. This provision also was taken from the omnibus bill and is a provision that was sent to the Senate Committee on Commerce by the Chief of the Army Engineers for the purpose of having those dams, in places where it is feasible, constructed so as to make possible the generation of hydroelectric energy. The erection of the reservoirs, however, is primarily for the purpose of flood control.

I have outlined all this amendment does. It adds \$126,000,000 to the bill but, let me say, Mr. Chairman, in all candor—and I appreciate the fact the debate has been rather warm; I appreciate the fact that gentlemen are very much interested in the bill—I am vitally interested personally, but aside from that I am more interested in the establishment in this Nation of a flood-control policy which adopts the reservoir system. [Applause.]

Let me say further that the erection of these 26 reservoirs fits in the general plan of reservoir flood control. They are part of the 151 reservoirs that will some day be built in the Mississippi Valley for the control of the flood waters of the Missouri, the Ohio, and other tributaries of the Mississippi. It is only a step in the ultimate direction. It cannot hurt the bill, arguments to the contrary notwithstanding. Those opposing the amendment express the opinion that it will wreck the bill, that it means the downfall of the bill and failure to obtain a bill, but that is their opinion. The question is, Shall we use our own judgment and do what we know is best or will we permit some department head to tell us what we shall do?

Mr. DRIVER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I addressed the question to a Member this afternoon asking him if he could point to one single measure that has been adopted by this Congress without a specific recommendation of the Engineers, and he answered that he could not; and you Members, including the oldest Member in service in this House, never witnessed any such action on the part of an American Congress.

I hail from Arkansas, a State in which there are more miles of the White River and as many miles of the Arkansas River as there are in all the other States through which these rivers flow. If this bill dealt with the Arkansas and the White Rivers as a treatment of the floods on these rivers and their control through reservoirs I would support it with all the energy I possess, but let me present to you the fact that the bill under consideration is an authorization for the completion of an adopted project.

It is free of other tributaries than those directly connected with the alluvial valley of the Mississippi River. The Army Engineers say to you and to me that even though we adopt this amendment and add \$126,000,000 to the authorization it will still be necessary to expend every dollar of the money they recommend in order to effectuate the safety of the alluvial valley. That is the situation we are in. In the light of this statement from the Board of Engineers do you think for one moment the President of the United States will approve a bill that carries \$126,000,000 more than the amount recommended by the Engineers? Consider this in all seriousness. Any man who wants to defeat this bill can do it, I am frank to say, by supporting this amendment. There is no use in kidding ourselves. Why should the President, who is guided by the advice of this aggregation of talent we have drawn together, approve a bill loaded as this amendment would load it when the Engineers will tell him that he must still expend the amount of money they recommend in order to effectuate this project?

Members asked me if the President said so. I tell you the President did not say so; but if he had, I would not have said it here, out of the usual regard we have for such communications; but I say to you he did not say so. I still believe, however, that the President is a man who will be guided by the advice of those who are there to give him information; and if he is so guided, do you think he is going to approve a bill that carries such a large sum of money which will have no effect at all on the purpose of the bill to complete the Mississippi River project?



Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DRIVER. I yield gladly.

Mr. JOHNSON of Oklahoma. Is it not a fact that these proposed reservoirs are the best reservoirs that can be built on the upper Mississippi?

Mr. DRIVER. There is no doubt in the world about that. The Engineers in their report have said that the most effective reservoirs would be those on the Arkansas and the White Rivers.

[Here the gavel fell.]

Mr. DRIVER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. DRIVER. The Engineers have reported that, so far as the White and the Arkansas Rivers are concerned, reservoirs on these rivers will effectuate more complete control than reservoirs on any other rivers tributary to the Mississippi. If, therefore, we disregard the engineering recommendations and look forward to controlling the floods of the Mississippi River by the reservoir system, then the expenditure of this \$126,000,000 will reduce the flood height  $4\frac{1}{2}$  feet when we need 12 feet to insure the safe passage of the water without destroying the valley. They say we will get  $2\frac{1}{2}$ -feet reduction from bend cut-offs.

We get 7 feet—5 feet more—which leaves the diversion at the same cost they recommend here, without the inclusion of the reservoirs. If we disregard the Engineers' recommendations and confine ourselves to reservoirs, 26 in number, the cost will be \$126,000,000. To get an additional 5 feet in the unfavorable areas, how much more money will it cost? It is a fact if these 26 reservoirs cost \$126,000,000 we will need at least \$200,000,000 more for less-favorable reservoirs to provide the additional 5 feet.

[Here the gavel fell.]

Mr. WILSON of Louisiana. Mr. Chairman, I would like to submit a unanimous-consent request with reference to time.

Mr. RICH. May I ask the gentleman what the intention of the Chairman is about going on with the debate this evening?

Mr. WILSON of Louisiana. I was hoping we might finish the bill.

Mr. RICH. There are quite a number of Members who want to be heard on these amendments. It is now practically 5 o'clock, and it will be 7 o'clock before we get through. We cannot finish the bill in less than 2 hours.

Mr. WILSON of Louisiana. Can we not agree to limit the debate to 20 minutes?

Mr. RICH. I do not know. There are a lot of Members who want to be heard.

Mr. MILLER. I would suggest that the debate on this particular amendment might be closed in 20 minutes. I do not refer to the section, but to the particular amendment.

Mr. RICH. Is it the intention of the Chairman to go on and finish the bill tonight?

Mr. WILSON of Louisiana. I would be glad to do that if we could. I do not know how many amendments will be offered.

Mr. Chairman, I ask unanimous consent that debate on the pending amendment close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. WHITTINGTON. Mr. Chairman, reserving the right to object, as a member of the committee, I should like to have at least 5 minutes.

Mr. FULLER. Mr. Chairman, I should like 6 or 7 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

Mr. WHITTINGTON. May I suggest that the gentleman modify his request and make it 25 minutes.

Mr. WILSON of Louisiana. Mr. Chairman, I modify the request and ask unanimous consent that debate on this amendment close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FOCHT. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD, at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FOCHT. Mr. Chairman, the day has been given to the question of flood control and water power, and much has been said on the subject that is informative and makes finally clear the fact that our contention made on Monday, April 8, 1935, as to the control of the floodwaters of the Mississippi River finds full support, more than a year later, in many speeches by prominent Members of this body. The CONGRESSIONAL RECORD of April 8, 1935, contains the following:

Mr. CARTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, for many years I have listened to the discussions of rivers and harbors bills. In the earlier days most of the time was taken up in characterizing the rivers and harbors bills as "pork barrel" bills. It was some time until I fully comprehended what that meant. I am delighted to say today, however, that I have good faith in my friend of all these years, the gentleman from Texas [Mr. MANSFIELD] and chairman of this committee, his knowledge of legislation, and his understanding of what "pork barrel" means, to know that he would not sanction the reporting of any such measure to this House, as was once done. He has given us, furthermore, wonderful information in regard to the purpose of this bill.

Most of the bills that relate to water and the West have had to do with irrigation schemes and plans and with power and lights. I would like to call your attention to another phase which might be encompassed within the range of a rivers and harbors bill. I have read of the devastating floods of the Mississippi. It seems to me these two purposes—irrigation and electric light and power—for which vast sums of money have been appropriated, could well stand aside for a moment while we consider this uncontrolled flood force which destroys but which could be converted to useful purposes if given proper attention; and in the short time at my disposal I shall give you several concrete examples of how it might be done. After I had looked over these two particular instances, I was in great wonderment why the intelligence of this House had not been aroused by the recurrence of these destructive floods on the Mississippi River; how it was they had failed to direct the attention of the committee and the country to putting barriers before these floods on the tributary streams.

I shall cite you two cases in Pennsylvania, and I hope you will investigate at least one. There are Members from western Pennsylvania who are familiar with what we call the Pymatuning Swamp proposition, and they may tell about this wonderful accomplishment.

While I was a member of the Water Supply Commission of Pennsylvania, during a vacation from this House, and associating with eminent men like John Birkenbine, who built many dams in the South, and is known to be one of the greatest hydroelectric engineers in the world, they impounded that water; and that great section, including part of Ohio, has been made safe from floods. The water is impounded during flood times and stored against use in the summer season to give them ample water supply for their mills on Beaver River, a tributary of the Ohio.

But the greatest engineering feat, with completely satisfactory results, is but 60 miles from Washington, at Safe Harbor, just over the line in Pennsylvania.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Pennsylvania.

Mr. FOCHT. The State of Pennsylvania has an area of 45,126 square miles. The watershed that supplies the north and west branches of the Susquehanna River of Pennsylvania covers an area of half the 45,126 square miles of the State; yet the young engineer, John Walls, who later built dams for the Italian Government, can sit in his office and by touching a button have absolute control of the floodwaters of that watershed in Pennsylvania. In other words, when a flood starts or is threatened in the upper sections of the State he opens his wickets. The water does not flow over the dam at all; not a drop goes over, so perfect is the control he has over a mile and a half of dam; but he opens the gates and the water flows into lower portions of the river and basins ready to receive it. If we would do the same things on the tributary streams of the Mississippi River we would not have recurring harrowing stories we read every year of the Mississippi River, with the bottom of the river higher than the surrounding land, breaking dikes and spreading desolation and ruin over that great valley.

No such thing could occur if we would take the money we are going to put into these other schemes and arrest the water of the tributary streams, which would be a complete and definite control of all the waters. That can be seen and the Members will agree with me when they look at this Safe Harbor Dam. They have put that into operation and are even able to control the ice that comes down the river, as well as all kinds of debris. It is the



most complete example of flood-water control the world has seen; yet we go on with these other doubtful schemes and pass by something that would save an untold number of lives and billions of dollars of property and terror those floods cause in the Mississippi Valley.

Do what I have suggested with every tributary and that will be the end of floods in the Mississippi Valley.

(Here the gavel fell.)

Mr. MANSFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Chairman, I want to compliment the gentleman from Pennsylvania [Mr. Focht] on his observations just made.

I hope that the Flood Control Committee of this House at the present session of Congress will at least provide for a survey so that we may construct some dams out there to hold back these flood waters. If they do that, we will not have the situation in the Mississippi Valley that we had this spring.

Mr. FULLER. Mr. Chairman, I am very vitally interested in the pending amendment. I am not opposed to this bill, and, to be frank, I may say that I am going to support it whether this amendment is adopted or not. I think it is of very great importance that this bill or something very similar be adopted so far as the Mississippi Valley is concerned. We have recently read in the newspapers about floods here and there in the East, but they were just baby floods in comparison to the floods that occur down there in the Mississippi Valley.

Mr. Chairman, this bill does not affect my district very much because I am located up in the mountains; however, the White River does run through eight counties in my district. I am principally interested in reservoirs which will be constructed for a dual purpose—flood control and electric power—as provided in this amendment. The Arkansas and White Rivers are two of the biggest rivers in that country and have never received any substantial aid from the Government. Congressmen from my own district and from all over the State of Arkansas have been voting from time immemorial for harbor improvements and flood control all over the country, and have never complained. Now, when there is an opportunity to do something for the Mississippi Valley, I think we should have serious consideration.

Some statements have been made about this bill being so sacred that it should not be amended simply because it is reported by the Flood Control Committee. Of course, this bill never came from the House Flood Control Committee. It was created and born in the Senate and, as a matter of fact, is known as Senator OVERTON's bill. It is true that the House committee in some sort of form has approved it.

Mr. Chairman, may I say also that this same House committee submitted a bill last year which included these 26 reservoirs that we are seeking to have included in this bill. That bill went over to the Senate, and there it is sleeping. The same power that has brought this bill in here, the same power that is seeking to keep us from amending it is the power that keeps us from getting what we should have.

The pending amendment states that at such time as the engineers deem proper there may be constructed 26 reservoirs of such character that they may be used for electric purposes. In my district alone there is provision for three of them, namely, Wildcat Shoal, Lone Rock, and Norfolk. White River near Cotter is the greatest site for the generation of electric power between the Allegheny Mountains and the Rocky Mountains. The engineers say they can produce electric power there for 8 mills per kilowatt and that there is capacity for 260,000,000 kilowatts each day.

It is important to the people generally that this amendment should be accepted. For many long years the White River Power Co., a New York concern, has had an option or lease upon which is known as the Wildcat Shoals on White River. That option has expired, and they have made application to the Power Commission to have it extended. I fear it will be extended unless saved to the Federal Government.

(Here the gavel fell.)

Mr. FULLER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. FULLER. Mr. Chairman, the statement is made that the President will veto this bill if it includes the amendment which has just been offered, but no one has any authority to make such a statement.

If the Government does not build these dams which can serve a useful purpose by providing cheap electricity as well as flood control, the utility companies are going to grab them up. This is an absolute cinch and certainty. They are the most valuable properties in this country today, and the utilities have been trying to get them, and there have been hearings held about it. If you do not provide for the building of these dams in this bill, the Power Trust will build them, and with this power they will continue to charge their outrageous and exorbitant prices.

We have voted for your people in California, Washington, Oregon, and the West, and for the Tennessee Valley, as well as over the entire country for similar projects as sought in this amendment. We have helped you to build dams and reservoirs in Ohio so that you would not have any more trouble by reason of such floods, and we now ask you to help us out in this instance.

The engineers have declared themselves in favor of these dams in their reports. They have said that these 26 projects are the most valuable in our country, and at the same time it will be economical from a flood-control viewpoint.

If you only authorize the use of this money as provided in the bill, what will it mean? It will mean that next year or 5 years from now they will come back and ask for more money because some levee has fallen or the river has changed its course; and it is just a matter of continually taking money out of the Federal Treasury for the prevention of the overflow of these great streams, while it is an absolute cinch and certainty that by building these reservoirs you insure flood control, practice economy, and at the same time preserve the power sites for the people.

I hope you will consider the pending amendment seriously and adopt it and let the bill go to conference. The reservoirs were in the bill passed last year and these gentlemen now opposing then favored it. Why fight it now? Simply because they contend this bill is sacred, because it was given to them by the Senate, and they want to pass it exactly like it is, irrespective of the views they have held in the past and irrespective of the wishes of the Members of this House. [Applause.]

(Here the gavel fell.)

Mr. WILSON of Louisiana. Mr. Chairman, I think it is somewhat unfair to the committee and to myself as chairman of the committee to advance the argument that those who oppose the adding of reservoirs in the White and Arkansas Rivers to this particular bill are opposed to these reservoirs which have very great value for many reasons. I sponsored and reported out the bill that carried those projects. I endeavored to secure the passage of that bill after surveys and examinations by the Corps of Engineers, and if the War Department and the Corps of Engineers would approve including them in this bill and if they would eliminate the expenditure of the \$103,000,000 for the Eudora floodway, it would be a different matter. However, that is impossible, and rather than see any amendment to this bill that would bring about an unfavorable report from the War Department and cause it to fail of passage, we must oppose the amendment, because it would destroy the opportunity we now have for carrying out the greatest engineering project ever undertaken in America. However, I am in favor of carrying them out by general legislation.

So, Mr. Chairman, I do not want the Members of the Committee to understand that those who are asking for this bill to be passed, after all this work, are not endeavoring in every way to use reservoirs, if they would avoid the necessity for floodways or if they would not receive an unfavorable report from the War Department. The Chief of Engineers in his letter to me has stated that these reservoirs would be factors of safety, but would not eliminate the necessity for the floodways.

Mr. TERRY. Mr. Chairman, will the gentleman yield for a brief remark?



Mr. WILSON of Louisiana. Yes.

Mr. TERRY. I call the gentleman's attention to page 660 of the hearings before the House Flood Control Committee last year, in which General Ferguson, president of the Mississippi River Commission, makes this statement:

These Arkansas and White River Reservoirs, with some modification of the present levees, and with some allowance for future increase in discharging capacity of the river, would obviate the necessity of the Eudora floodway for protection against a flood of the same origin and magnitude as that of 1927.

Mr. WILSON of Louisiana. And I may quote General Ferguson relative to a statement he made with regard to an article appearing in the press:

No statement made by me to newspapers was intended to infer that my views on the need of the Eudora floodway have been changed from those given before the Flood Control Committee in 1935.

He then said the Eudora spillway was necessary. I may also refer to the statement made by General Ferguson before the committee to the effect that he had great hopes for a continued shortening of the channel of the Mississippi, which has been done under a resolution which I favored and which was approved by the Chief of Engineers, but they say that whatever is done under that provision, the reservoirs will not avoid the necessity for the floodways, and if you added the \$126,000,000 to the bill you would still need the floodways, and, furthermore, I do not believe you could get the approval of the War Department.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. NICHOLS. I do not think the sponsors of this amendment are against the Eudora floodway. We are willing to go along and support that legislation.

Mr. WILSON of Louisiana. Can you secure approval of the legislation with \$126,000,000 added to the bill?

Mr. NICHOLS. Absolutely.

[Here the gavel fell.]

Mr. WHITTINGTON. Mr. Chairman, I yield to no man in my advocacy of conservation of our natural resources. I want to see the resources along the Arkansas and the White Rivers developed for power and flood control.

When the Tennessee Valley Act was under consideration I did not oppose that legislation because the Mississippi River was not included in it. I did not ask that it be amended to include the Mississippi River.

I favor a policy of national flood control. For years, in season and out of season, as a member of the Committee on Flood Control, I have promoted such a policy.

Let me remind you that the omnibus bill we passed last session, which I supported, included 13 reservoirs each for the Arkansas and White Rivers. It has been amended in the Senate so as to provide for a flood-control policy and for the prevention of soil erosion.

There have been no hearings before the Flood Control Committee respecting the White River for power development. A reservoir for flood control is useless, according to the Engineers, for power development, because the reservoir must be empty for flood control and must have water for power development. Reservoirs for both flood control and power development are much more expensive than flood-control reservoirs.

Now, just a word about this amendment.

If the 26 reservoirs in the amendment are adopted, it means that on tributaries that have made no contribution toward flood-control works along the Mississippi River the local interests will make no contribution whatever.

It has been asserted that Gen. H. B. Ferguson, President of the Mississippi River Commission, maintained that the bend cut-offs and the 26 reservoirs along the Arkansas and the White would eliminate the necessity for the Eudora diversion. The wish is father to the thought by those who make such a statement. General Ferguson, as shown by pages 75 and 76 of the hearings before the Senate Commerce Committee on the pending bill, emphatically stated that the 26 reservoirs and the bend cut-offs would not eliminate the Eudora diversion. I quote his language in response

to a question by Senator OVERTON as to whether there was any reasonable probability that the cut-offs and 26 reservoirs would render a substantial diversion in the middle section unnecessary:

Brigadier General FERGUSON. Our figures now indicate that a flood such as occurred in 1927 would have to have water diverted somewhere below the mouth of the Arkansas.

It is well to keep in mind that the Chief of Engineers repeatedly stated in the hearings that the effects of cut-offs were problematical. The gentleman from Kansas [Mr. CARLSON] stated that the cut-offs had reduced the distance from the mouth of the Arkansas to the mouth of the Red River by some 100 miles. All of the cut-offs are between the levees. The levees are on an average of 25 feet in height in the area mentioned. Cut-offs are across bends; they reduce the low-water length; but in floods the waters are confined between the levees. There is thus substantially no reduction of river length when the floods are within a few feet of the top of the levees.

Fortunately there have been no major floods since the cut-offs were begun some 4 years ago. I think they are beneficial, but General Ferguson and the Chief of Engineers time after time stated that they should not be substituted for the diversion. They are additional factors of safety.

The gentleman from Arkansas [Mr. MILLER] repeatedly referred to Documents 2 and 3, House Flood Control Committee, Seventy-fourth Congress, first session. After stating that the 26 reservoirs along the Arkansas and White would be additional factors of safety in the alluvial valley of the lower Mississippi River, General Markham concluded said Document 2 by saying—and I quote his words:

But these reservoirs cannot be relied on to prevent a flood which would overtop the levees unless a relief outlet is provided.

Again I quote General Markham from said Document 3:

The report indicates, therefore, that the costly system of reservoirs under study would not abrogate the necessity for fuse-plug levees or similar works and diversions from the main channel of the Mississippi River to afford assured protection against extreme floods.

The minority members of the committee, in their minority report, quote General Ferguson as saying that bend cutting has reduced floods that have occurred 2½ feet. I have already referred to the testimony of General Ferguson before the Commerce Committee. I quote from pages 75 and 76:

Senator OVERTON. They [cut-offs and 26 reservoirs along the Arkansas and White] would not dispense with the necessity of having the Eudora floodway for the escape of waters from the Mississippi River?

Brigadier General FERGUSON. You would require a floodway.

The answer to the contention that cut-offs and reservoirs, or either of them, would eliminate the necessity for the Eudora diversion is found in the documents transmitted by the Chief of Engineers, Major General Markham, and by the president of the Mississippi River Commission, General Ferguson. They both state in their reports in House Document 1, Seventy-fourth Congress, first session, that they recommend the Eudora floodway. This is a sufficient answer to the contentions advanced in the minority report.

I may also say in this connection that the quotation in the minority report from General Markham in criticism of the pending bill was before the Senate amended the bill as recommended by the Chief of Engineers. The Chief of Engineers took the position that the local interests should be required to furnish the rights-of-way for reasonable compensation; he objected to condemnation authority. The Senate amended the bill to meet his views. The quotation by the minority in their minority report has no place; it was directed to a provision that has been eliminated from the bill.

It is amusing to see the minority quote the President in their minority report. The administration has a plan. The problem is being attacked by perfecting the omnibus flood-control bill that passed the House and is now pending in the Senate, and by the passage of the pending bill for the lower Mississippi River.

The minority, in quoting from President Roosevelt, evidently anticipated that he would ask that the problem of



formulating a policy of flood control be continued. The policy of the minority is to delay. The responsible spokesmen for the administration are in control of the Senate and House. The Chief of Engineers speaks for the President. The administration has indicated that it is satisfied with the Overton bill and amendments have been submitted by the Chief of Engineers in line with the views of the administration in the omnibus flood-control bill.

Moreover, and I quote from the language of the President copied by the minority in their report:

It is not suggested that we neglect our main streams.

What stream is more of a main stream than the lower Mississippi River? The President had in mind, evidently, the lower Mississippi River when he stated we should not neglect the main streams and give our whole attention to minor waters.

None have objected to any of the provisions in the pending bill. They merely ask that the provisions of the bill be expanded so as to provide for other streams and other rivers.

In all public works there must be factors of safety. The lower Mississippi Valley had a flood that almost overtopped the levees in 1928 following the flood of 1927. There was another maximum flood in 1929. From the days of De Soto on down maximum floods in the lower Mississippi Valley have occurred on an average of every 15 years. It has been 9 years since the last flood. The 26 reservoirs will be the equivalent of a diversion of from 330,000 to 360,000 cubic feet at Arkansas City. It will eliminate levee heights to the extent of  $4\frac{1}{2}$  feet but, according to the testimony of all engineers, it would have taken a levee 9 feet higher than the existing levee, with an additional 3-foot freeboard, or 12 feet, to have contained the flood of 1927. The Chief of Engineers says that even if the reservoirs were constructed a floodway would be imperative. There would be an additional  $4\frac{1}{2}$  to  $7\frac{1}{2}$  feet to be provided for.

Again the Chief of Engineers opposes the construction of the reservoirs for flood control in the lower Mississippi Valley, and he states very emphatically that the costs of reservoirs to provide for the necessary diversion are a billion and a quarter dollars. Equivalent relief by a floodway at Eudora can be provided at a cost of \$103,000,000. Only from twenty-five million to thirty million dollars of this amount will be paid for damages to lands, highways, and other property. The remainder of the \$103,000,000 will be expended in constructing diversion works and guide levees.

The flood of 1927 came out of the Arkansas and White Rivers. Floods in the lower Mississippi Valley usually come from the Ohio River. In the event the floods came from the Ohio, the Missouri, or the upper Mississippi River reservoirs along the Arkansas and White would be of no benefit. This is another reason the Chief of Engineers insists upon the Eudora diversion.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes, which are left, as I understand it, of the time allotted.

The CHAIRMAN. Without objection, the gentleman from Mississippi is recognized.

Mr. RICH. Mr. Chairman, I am entitled to 5 minutes, and I yield to the gentleman.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. FLETCHER. Are any of these reservoirs included in the Muskingum-Scioto-Ohio Valley project?

Mr. WHITTINGTON. They were not included in the pending Mississippi River bill. I do not know whether they have today been included in the Senate or not in the omnibus bill. If they have not been included, I should personally like to see them included.

Mr. FORD of California. Will not the whole Mississippi Valley, so far as power is concerned, be taken up in the Norris proposition for the T. V. A.?

Mr. WHITTINGTON. I should think so. I want to see the power development on the White as fast as there is demand.

Mr. DISNEY. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I shall yield in a moment.

Mr. DISNEY. But the gentleman keeps saying that, and yet he does not yield.

Mr. WHITTINGTON. I will not yield to the gentleman if he interrupts in such a manner without permission. Mr. Chairman, the 26 reservoirs on the Arkansas and White Rivers, if they are constructed, will provide for about 330,000 to 360,000 second cubic feet. The Chief of Engineers says that you have to divert 1,000,000 cubic feet in order to protect the lower valley. If we add these 26 reservoirs for flood control, he tells us that we would still have to construct the Eudora floodway, because if you added the 26 reservoirs you would still have 650,000 cubic feet down there to provide for, and the Chief of Engineers stated that it will take 157 reservoirs to give the equivalent of the 1,000,000 second-feet diverted by the Eudora floodway, costing one hundred and three million, whereas the 157 reservoirs would cost a billion and one-quarter dollars. I would like to see them all constructed. They will come some day. It may be 25 years or 50 years. When they do come every foot of land used for this diversion down there can be utilized. It will be necessary only to remove the guide levees, but in the meantime the purpose of this legislation, recommended by the Chief of Engineers, is to provide for navigation and flood control in the lower valley.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. Yes.

Mr. NICHOLS. Will not the gentleman admit and agree with me that the addition of these 26 dams to the construction of the Eudora floodway would be of great material assistance to relieve floods in the lower Mississippi.

Mr. WHITTINGTON. I have stated in season and out of season that personally I would like those 26 reservoirs constructed as additional factors of safety, but the Chief of Engineers, the spokesman for the President, says substantially that in the upper stretches of the Arkansas and White Rivers they have paid nothing for flood control along the Mississippi River, that the case is different from the St. Francis, and he says that he cannot and will not support this bill or approve it if they are inserted, because it means \$127,000,000 additional to the Federal Treasury. I yield now to the gentleman from Oklahoma [Mr. DISNEY].

Mr. DISNEY. Does what some department says determine the policy for the Congress?

Mr. WHITTINGTON. I might answer the gentleman by saying that the Chief of Engineers is impartial, and represents Congress and the country. I have already said the best way to promote flood control on the gentleman's and on all rivers is to eliminate inadequate and unworthy projects. I represent a district where there are rivers and streams that are not included in the pending bill. I would like to have them included as well as the White and the Arkansas, but I do not believe they ought to be included on the same basis as the rivers in the Mississippi or alluvial valley.

Mr. NICHOLS. The gentleman does not say that ours are inadequate.

Mr. WHITTINGTON. I do not. They were in the omnibus bill when it passed the House, and I voted for the bill.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. All time has expired. The question is on agreeing to the amendment.

Mr. WILSON of Louisiana. Mr. Chairman, I move that the Committee do now rise.

Mr. MILLER. O Mr. Chairman, we had an agreement that we would vote on this amendment tonight. That was the agreement.

Mr. RICH. That was the understanding.

Mr. NICHOLS. I demand a vote upon the amendment.

Mr. WILSON of Louisiana. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Louisiana that the Committee do now rise.

The question was taken; and on a division (demanded by Mr. DRIVER) there were—ayes 22, noes 66.

So the motion was rejected.



Mr. NICHOLS. Mr. Chairman, I demand a vote on the amendment.

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and eight Members present, a quorum.

Mr. MILLER. Mr. Chairman, I ask for a vote upon the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

Mr. WHITTINGTON. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the Miller amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. MILLER].

The question was taken; and on a division (demanded by Mr. DRIVER) there were ayes 78 and noes 36.

So the amendment was agreed to.

Mr. LAMNECK. Mr. Chairman, I understood this was the last order of business for the day. I would like to offer an amendment to be considered tomorrow and have it printed in the RECORD, so that it will be available to the membership.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The amendment is as follows:

Amendment offered by Mr. LAMNECK: Page 2, line 7, after the word "Engineers", add the following: "Provided, That the Chief of Engineers, under the supervision of the Secretary of War, shall, at the expense of the United States Government, construct a system of levees and reservoirs to adequately control the floodwaters of the Scioto, Olentangy, and Sandusky River Valleys in Ohio: And provided further, There is hereby appropriated the sum of \$40,000,000 for the carrying out of the above project."

The Clerk read as follows:

Sec. 2. That the Boeuf floodway, authorized by the provisions adopted in the Flood Control Act of May 15, 1928, shall be abandoned as soon as the Eudora floodway, provided for in Flood Control Committee Document No. 1, Seventy-fourth Congress, first session, is in operative condition and the back-protection levee recommended in said document, extending north from the head of the Eudora floodway, shall have been constructed.

Sec. 3. That the levees along the Mississippi River from the head of the Morganza floodway to the head of the Atchafalaya River and down the east bank of the Atchafalaya River to intersection with the west protection levee of said Morganza floodway shall be raised and enlarged to 1928 grade and section.

Mr. RICH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. I understood the gentleman from Louisiana [Mr. WILSON] made the statement that after we had the vote on the amendment offered by the gentleman from Arkansas the Committee would rise. Is that the understanding?

Mr. WILSON of Louisiana. No. I did not make that statement.

The CHAIRMAN. The Chair had no part in any agreement.

Mr. MARTIN of Massachusetts. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FLANNAGAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill S. 3531, directed him to report that it had come to no resolution thereon.

#### ROBINSON-PATMAN EQUAL OPPORTUNITY IN BUSINESS BILL

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, what is the Robinson-Patman bill?

Answer. This bill was introduced in the House on June 11, 1935, and the same bill was introduced in the Senate by the Honorable JOSEPH T. ROBINSON, majority leader, June 26, 1935. It is H. R. 8442 in the House. It is S. 3154 in the

Senate. It is a bill making it unlawful for any person engaged in commerce—

First. To discriminate in price or terms of sale between purchasers of commodities of like grade and quality.

Second. To prohibit the payment of brokerage or commission under certain conditions—dummy brokerage.

Third. To suppress pseudo-advertising allowances.

Fourth. To provide a presumptive measure of damages in certain cases.

And to protect the independent merchant, the public whom he serves, and the manufacturer from whom he buys from exploitation by unfair competitors.

#### STATUS OF BILL

2. Question. What is the status of this legislation at this time?

Answer. It was unanimously reported favorably by the Senate Committee on the Judiciary February 3, 1936. It was favorably reported with amendments by the House Judiciary Committee March 31, 1936. It was called up by Senator ROBINSON in the Senate April 28, 1936, and was considered until April 30, when it was passed with amendments. When the bill was sent to the House the Speaker, at our request, permitted it to remain on the table, where it is now. The House Rules Committee the past 3 days has been considering a special rule for consideration of the bill. The Rules Committee will vote on the question tomorrow, May 22. If the rule is granted, I understand it is agreed that the bill will be taken up for House action next Tuesday, May 26. It should not take more than 1 day for House action.

3. Question. If this bill passes the House what will be the next step?

Answer. The next step will be for the Senate to select conferees and the House to select conferees to meet and iron out differences between the two bodies, as there will undoubtedly be differences between the two bills.

4. Question. If conferees of the two Houses agree on the bill, will it then become a law?

Answer. No; the report of the conferees will have to be adopted by both the Senate and the House and then the President will either have to sign it or it will become a law without his signature should he fail to veto it within 10 days.

#### MANDATE OF DEMOCRATIC PLATFORM

5. Question. Does this bill conform to a mandate in the Democratic platform?

Answer. The Democratic platform of 1932 provides:

We advocate strengthening and an impartial enforcement of the antitrust laws to prevent monopoly and unfair trade practices and revision thereof for the better protection of labor and the small producer and distributor.

There is no bill pending before Congress that is being urged that carries out this provision of the Democratic platform except the Robinson-Patman bill. This bill complies in every way with that part of the Democratic platform.

#### HOW EVILS ARE CORRECTED

6. Question. How does this bill attempt to correct the evils complained of?

Answer. By an amendment to section 2 of the Clayton Act which has been rendered ineffective by weasel provisos and exceptions which crept into the bill, the full import of which were not realized during its consideration by Congress in 1914. Our amendments will carry out the original intentions and purposes of the law.

7. Question. What specific provisions are included in this bill?

Answer. First. Advertising allowances. Large manufacturers have been coerced into giving certain large mass buyers great reductions in prices under the guise of advertising allowances. This bill will not prohibit advertising allowances but it will prohibit advertising allowances to be used as a guise for price reductions and prohibit advertising allowances that are not given proportionately to all customers. In other words, manufacturers will have a right to select their customers but when selected they must deal with them equally and fairly.

Second. Dummy brokerage. A practice has grown up whereby large mass buyers bribe representatives of the seller,



oftentimes the seller representing groups of farmers, under the guise of a brokerage allowance. It is not a brokerage allowance at all; it is a bribe. This bill will not compel the use of a broker but it will prohibit one party from bribing the representative of the other under the guise of brokerage allowances or commissions.

**Third. Quantity discounts.** The practice has grown up of manufacturers allowing large mass buyers great discounts that their competitors do not receive even for the same quality and quantity purchased under the guise of quantity discounts. This bill does not prohibit quantity discounts where they are based upon differences in cost of manufacture and distribution, but it does prohibit a manufacturer from giving a discount to one customer without giving the same discount to another customer who purchases the same quantity under the same conditions. The bill permits differentials, but prohibits discriminations.

**Fourth. Quantity limits.** Under this bill the Federal Trade Commission will be permitted to fix a quantity limit under certain conditions where so few buyers are able to purchase certain large quantities that are available to them for a lower price that are not available to others, that such a practice is calculated to promote a monopoly in any line of business. If the Federal Trade Commission finds that to be true, it may fix a quantity limit, which will mean that any one purchasing that quantity will receive the same price per quantity unit as one purchasing a number of such quantity units. In other words, it is the same theory as railroad freight rates. In 1887 the people demanded that discriminations and favoritism in freight rates be prohibited. A bill was introduced for that purpose. The privileged few immediately commenced the propaganda that such a bill if enacted into law would cause prices to increase to consumers, would place a shelter over and reward the inefficient and could not possibly be enforced. Nevertheless, the law was placed upon the statute books, and it has not increased prices to consumers, rewarded the inefficient, or become unenforceable. If one causes to be transported one carload of freight, he pays the same price per car as one who causes to be transported a trainload or any number of carloads. It was admitted by the Interstate Commerce Commission and the Supreme Court of the United States that a trainload could be transported at a cost considerably less per car than individual carloads could be transported, but the ruling fixing the carload quantity has been upheld because if a lower price is granted to those who can transport trainloads and more, this practice will operate in the interest of the large dealers and cause the businesses of the smaller dealers to be destroyed. The only reason that the Federal Trade Commission will have to fix such a quantity limit will be to prevent monopoly in any line of business. It may fix a carload, several carloads, or less than a carload as the quantity limit, depending upon the nature of the commodity, the quantities in which it is usually bought and sold, and its distribution among large and small competitors.

#### ANTI-BIASING POINT

8. Question. Does the bill contain an anti-biasing point provision?

Answer. The House bill as reported by the committee under section 5 contains a definition of price, which is really an anti-biasing point provision. The Judiciary Committee, however, met today and passed a resolution requesting the chairman to introduce an amendment on the floor striking this provision from the bill. This meets with my approval and I am sure will meet with the approval of a majority of the Members of the House; the Senate bill does not contain such a provision, therefore this question will not be in conference and such a provision cannot be reinserted by the conferees.

#### CLASSIFICATION SECTION

9. Question. What is the classification section of the bill that is so much discussed?

Answer. This is subparagraph 1 of the House bill as reported by the House Judiciary Committee. This paragraph will be removed upon motion of the chairman of the Judi-

ciary Committee, since he was instructed by the committee this morning to offer such an amendment; and undoubtedly it will prevail.

#### ESSENTIAL PROVISIONS REMAIN

10. Question. After these amendments have been adopted, what essential provisions will be contained in the bill?

Answer. What the sponsors first proposed and are now insisting upon, that is, an effective law against pseudo-advertising allowances, dummy brokerage allowances, quantity discounts in excess of differences in cost of manufacture and distribution, and authority granted to the Federal Trade Commission to fix quantity limits to prevent monopoly.

#### HOW WILL LAW BE ENFORCED

11. Question. Who will enforce this law?

Answer. Since this will be an amendment to the Clayton Act, it is backed by all of the remedies afforded by the Clayton Act:

First. By cease-and-desist order of the Federal Trade Commission, enforced if necessary by order of the Federal courts, and punishable for its disobedience.

Second. By injunction suit, prosecuted by the Attorney General.

Third. By similar suit or injunction or damages prosecuted by anyone injured by its violation.

#### WILL NOT INCREASE PRICES

12. Question. Will this law raise prices to consumers?

Answer. I know it is charged by one man, who, incidentally, receives an enormous salary and bonus from a corporate chain store, that it will increase prices to consumers \$750,000,000 a year. There is no basis for this statement, and evidently the party making it was thinking more about losing his enormous salary and bonus, if the law were enacted, than he was about the cost to consumers. The truth is that if corporate chains can save the consumers three-quarters of a billion dollars a year when they are doing only 25 percent of the retail business, the consumers of the country will be saved billions of dollars a year when the independents who do the other 75 percent of the retail business receive prices from manufacturers on the same basis as the corporate chains. This law will make competition keener, and the public always benefits from keen competition. It will not cause manufacturers to charge the corporate chains more, but it will require them to give independents and smaller chains the same price for the same quantity.

#### BROKERS AND WHOLESALERS

13. Question. Will this law build a fence around brokers and wholesalers, grant them a bonus or subsidy, or benefit them in any way?

Answer. This law will in no way shelter or protect brokers and wholesalers. It will benefit them to the extent only that they are able to render a service at equal or lower costs than anyone else. This law will not compel a broker or wholesaler to be used. Sales may be made directly from a manufacturer to the retailer or to consumers, but if brokerage or wholesale allowances are paid, they must be paid for services rendered and not used as a bribe.

#### FARMERS

14. Question. How will this law affect farmers?

Answer. Farmers will be benefited. Under existing practices, farmers selling perishable products of any kind are at the mercy of the large mass buyers. For instance, potatoes, tomatoes, and strawberries must be loaded at a certain time in refrigerator cars and be moved toward the markets. The large mass buyers, there being only a few in number, work together, and knowing that these perishable products must be sold before they deteriorate, stay out of the market until such opportune time as they are permitted to buy at their own price. This enables them to use these commodities purchased at robbery prices by almost highwayman tactics as leaders in their stores in the cities to convince their customers that they can sell at such cheap prices. The farmer pays the bill in loss of buying power. The public pays the bill because the farmer has lost that buying power and can-



not buy what other people engaged in other lines of business have for sale. If the business of independents, including brokers and wholesalers, is destroyed the destructive work and policies of a few large mass buyers will be more effective and the farmers left still more at the mercy of the mass buyers. The consumer should always have the benefit of the lowest prices consistent, however, with a fair price to the producer of the raw material, a fair wage to the wage earner who converts the raw material into the finished product, and a fair cost of distribution, including transportation. This bill is in the direction of causing keener competition and restricting the power of a few large mass buyers to control the market in any line of business.

#### ARE HEAVY INDUSTRIES OPPOSED?

15. Question. Is this bill opposed by cement, lumber, and hardware manufacturers and others in the heavy-industry lines?

Answer. They were opposed to the bill when it had the anti-basing point, but I have not heard of anyone engaged in this line of business being opposed to the main purposes of the bill as herein outlined with the antibasing point eliminated.

#### ALL MANUFACTURERS NOT GUILTY

16. Question. Are all manufacturers guilty of the practices and evils this bill is intended to correct?

Answer. No; many manufacturers, including Cream of Wheat, Kellogg's, and others, have for many years dealt fairly and equally with all their customers. Recently Standard Brands, Inc., adopted the same policy. This bill, if enacted into law, will merely compel manufacturers to treat their customers fairly.

#### NOT PRICE FIXING

17. Question. Is this a price-fixing bill?

Answer. No; it is opposed to price fixing. Because a manufacturer will be compelled to sell to all of his customers at the same price under the same conditions does not mean that his competitor across the street manufacturing the same quality of merchandise will be compelled to sell to his customers at the same price. It will merely mean that whatever price the competing manufacturer across the street sells for, he must treat his own customers fairly and sell to them at the same price basis.

#### NOT ANTICHAIN

18. Question. Is this an anti-chain-store bill?

Answer. It is only antichain insofar as it may deprive certain large corporate chains of certain privileges they are now enjoying that they are not entitled to enjoy as a matter of right and justice, and which they enjoy at the expense of their small competitors, whether chains or independents. This law will have no effect whatsoever on retail distribution.

#### SUGAR INSTITUTE CASE

19. Question. Is this law contrary to the views of the Supreme Court in the Sugar Institute case?

Answer. No; the Sugar Institute prohibited all quantity discounts whatsoever. The Supreme Court decided they should permit quantity discounts reflecting differences in cost. That is exactly what this bill permits.

#### OPPONENTS OF BILL

20. Question. Who is opposing this bill?

Answer. Naturally, those who are enjoying unfair privileges are opposed to giving them up. One large corporate chain is paying a few of its officials \$1,996,692 a year, or one-quarter of what they take in annually in special discounts and allowances. One of these officials receives, including his bonus, \$188,000 a year; another \$146,000; another \$125,000; and others \$100,000 on down. If they are placed upon the same competitive floor and are denied the right to coerce and intimidate manufacturers and are denied the right to bribe representatives of farmers and are forced to do legitimate merchandising and permit the independents who are doing 75 percent of the business to grant their customers the same low prices as the corporate chains, these large salaries of these officials will possibly be in jeopardy. People who have certain privileges become greedy. It is perfectly natural that they should. It is also natural that they have gotten used to these special privileges, rebates, and benefits

not received by others and are not going to give them up without a struggle. Our bill will force equal rights to all and special privileges to none.

21. Question. Does this bill prevent price changes by manufacturers?

Answer. No; prices may be changed as at present except prices shall not be changed for the sole and only purpose of granting a special favor or benefit to a favorite customer. A bona-fide price may be changed at any time. This right is expressly reserved in the bill.

#### DANGER OF MONOPOLY

22. Question. Is there a real danger of monopoly in certain lines of distribution?

Answer. Yes; at first, first variety stores represented the principal line of business operated by chains. Then groceries, shoes, drugs, and others have been embraced. As one line of business is taken over and the areas producing the best volume are covered, another line of business is immediately taken up for the same purpose. The Bureau of the Census discloses that in 1933 the variety chain stores in the District of Columbia were doing 96 percent of this business, chain shoe stores 60 percent, chain grocery stores 80 percent, chain drug stores 62 percent. If you limit comparisons to the areas in which corporate chains operate you will discover that they already have a monopoly in the areas producing the greatest and best volume in the cities of this country in many lines of business.

23. Question. Is it a fact that the census figures disclose that the number of independent merchants have increased during the last few years?

Answer. Yes; it is true; but these increases were all over the Nation and in areas not served by chains at all or in lines of business in which the chains were not engaged. Besides, these increases in number of units often represent small filling stations and a small stock of groceries in areas where chains do not operate.

#### RESULT IF LAW NOT PASSED

24. Question. What will be the result if this bill or a similar law is not passed?

Answer. The people of America must very quickly decide whether they want absentee ownership of business through corporate chains or whether they want local independent merchants. I believe that the interests of the consumers and this country will be served by preserving independent business which forces competition and lower prices to the consumers. If we have absentee ownership of business the public will pay and pay dearly, the profits going to the privileged few. Local communities will be destroyed, since the local reservoirs of credit will be dried up and the opportunities for young people will be very much restricted. In addition, absentee ownership and a few large mass buyers will destroy the buying power of both farmers and wage earners. The 26,000,000 people engaged in agriculture must have good prices or they cannot buy what the 36,000,000 people dependent upon manufacturing and mechanical pursuits offer for sale. If those engaged in manufacturing and mechanical pursuits and dependent upon such pursuits do not receive fair wages, they cannot purchase the services of the 11,000,000 people dependent upon transportation and communication or the 18,000,000 people dependent upon distribution.

#### PRESENT ADMINISTRATION MADE LONG STEP IN DIRECTION OF TAKING BONUS AWAY FROM COUPON CLIPPERS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection?

There was no objection.

Mr. PATMAN. Mr. Speaker, very few people, even Members of Congress, realize how far the present Democratic administration has gone in the direction of converting a billion dollars a year from banks and private individuals, holders of Government bonds, to the aged people of our Nation. Our Government now pays to holders of tax-exempt interest-bearing bonds almost a billion dollars a year in the form of interest charges.



I have been advocating a change in our monetary system that will permit our country to save this amount of annual interest each year, and in my arguments I have often stated that it would be much better for the aged people of our Nation to receive this money than for the Government to pay it in the form of a premium, bonus, or subsidy for the use of its own credit.

**BLANKET MORTGAGES ISSUED BY FEDERAL RESERVE BANKS ON PEOPLE'S PROPERTY**

The Federal Reserve banks are privately owned institutions. They are owned by private corporations, member banks. Not a penny of their stock is owned by the Government or by an individual. These banks have the power to issue Federal Reserve notes. These notes are money. They do not look like mortgages, but they are mortgages. Every note is a promise by the Government of the United States to pay the bearer a certain amount of money. This Government promise carries with it a mortgage on all the property of all the people, including their earnings. It appears idiotic for the Government to allow corporations owned by other private corporations to use the Government's credit in this way without at least some compensation in return therefor. However, these superbanking corporations have this great right and privilege to use money without paying any compensation whatsoever to the Government for the use of this great privilege. They do not even pay interest to the Government. They do not pay taxes to the Government for this great privilege. They do not pay anything to the Government or to the people in the form of compensation or remuneration for this great privilege of using mortgages on the property and earnings of all the people of this Nation. The only expense they incur by reason of issuing this money is the actual cost of printing the money, which is about 27 cents a thousand dollars. These Federal Reserve banks and other banks of the country now hold about \$16,000,000,000 of United States Government securities. These securities are tax exempt and interest bearing. Any of these bonds can be converted into new money at any time. The Federal Reserve banks may use the bonds as a basis for the issuance of currency; pay nothing for the currency except the cost of printing, and continue to get interest on the bonds that are used as a basis for the issuance of the money. Federal Reserve banks should be owned by the Government, the Government giving the member banks credit for the comparatively small investment of \$144,000,000 that they have in these institutions. When the Government takes over these institutions it should gradually but eventually cause these banks to purchase and own all outstanding Government securities. This change should not be made quickly but it should be made gradually. After it is made, however, the Government will save the interest that it is now paying for the use of its own credit.

**HOW SOCIAL SECURITY ACT AFFECTS THIS SITUATION**

Although President Franklin D. Roosevelt and his advisers have not seen fit to go as far as many of us would like to go in this direction, a long step has been made in the direction that we are going in the Federal Social Security Act that became a law August 14, 1935. In title 2 of this act an old-age reserve account is provided for. This account will increase year by year and eventually it will likely be as large as the national debt. Under this law the funds in this account must be invested in Government securities. Therefore, this account should eventually own all outstanding Government securities. Then the interest that is paid by the Government to this account will go for the purpose of providing for old-age security. It will not be paid to Federal Reserve banks, private banks, individuals, or corporations holding Government securities as it is paid to them at this time, but it will be paid into this account which will go to the benefit of the aged people of this country.

Therefore, a great long step has been made by President Roosevelt in the direction of taking an annual bonus away from Government coupon clippers and giving it to the aged people of our country who have contributed so greatly to the building of our country in time of peace and in saving our country in time of war and for whose benefit the wealth

of this great Nation should be generously used. This is not pleasing to the American Liberty (Bond) League.

**SECRETARY MORGENTHAU'S STATEMENT BEFORE COMMITTEE**

Secretary Morgenthau appeared before the Committee on Ways and Means of the House of Representatives in support of the economic security bill. I quote the following as an excerpt from his statement before that committee:

Under our proposal, the Federal Government would guarantee an investment return of 3 percent on all receipts from the pay-roll and earnings taxes that were not currently disbursed in benefit payments. Such sums would be used progressively to replace the outstanding public debt with the new liability incurred by the Federal Government for old-age annuities. To the extent that the receipts from the old-age annuity taxes are used to buy out present and future holders of Government obligations, that part of the tax revenues that is now paid out to private bondholders will be available for old-age annuity benefits; thereby minimizing the net additional burdens upon the future.

**SOCIAL SECURITY ACT, SOUNDLY CONCEIVED, BEGINS TO WORK—LET US BUILD IT UP**

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

**DO YOU WANT A PLAN IN THE AIR OR SOCIAL SECURITY?**

Mr. MAVERICK. Mr. Speaker, social security for those who need it, and work for those who can, is what the American people want—and not just a name attached to a word like "plan." The United States Government with its States, backed by the people of the United States, can certainly do more than any individual, whatever his name may be—Smith, Jones, or Townsend.

Revelations have been made recently quite depressing to old people who have been contributing heavily with the idea that some plan will bring back \$200 a month.

**YOU CANNOT EAT THE FRONT PAGE**

Little has been said in the newspapers about the Social Security Act which was enacted last year, and which is getting under way, paying out millions in money and already beginning to be a success.

The Townsend plan may make the front page, but you cannot eat the front page—the Social Security Act is already delivering the goods.

I have always favored pensions and social security, but I want to make sure that the people really get this security. Aside from the fact that the Townsend plan is not a plan, it only applies to old people and does not apply to the citizenship of America at large like the Social Security Act. It is not my purpose to abuse Dr. Townsend, although I have heard him talk in the vaguest terms. Although he admitted getting money, he seemed to have no comprehension of how twenty-eight or more billions could be raised each year to pay out.

No single man or group of men, or any organization, however much they hope for certain things, can get around ordinary business principles. The Social Security Board, without rushing to the front pages, without beating any drums, is working on a businesslike basis through your own Government, the United States of America, and with our several States.

In my own State of Texas, for instance, a million dollars has already been put in the treasury by the Board. The same thing is true of many other States. This will continue.

**A \$30 BIRD IN HAND WORTH \$200 BIRD IN BUSH**

In 32 States 600,000 old people are receiving pensions running up to \$30 a month, which is better than an old person subscribing money out for a mere hope and getting nothing. A \$30 bird in the hand that you can eat is worth far more than a \$200 bird in the bush that you cannot even catch.

Besides these 600,000 old people, some 150,000 dependent children in 18 different States are receiving monthly cash payments which support them at home. These payments keep children out of orphan asylums, off freight cars, out of sickness, death, thievery, and crime. Why are they getting help? Because the Social Security Act puts up a dollar for every \$2 spent by the State.



Blind persons to the extent of 20,000 are already receiving aid in 17 States.

#### OLD PEOPLE WANT YOUNG TO PARTICIPATE

At this point let me repeat that the Social Security Act applies to the entire citizenship of the American people and is based on sound economics and workable methods, while the Townsend plan only applies to old people and is based on rushing out the paper money. It seems to me that a well-organized act is the only solution from a viewpoint of common sense, and is also more unselfish. Certainly the old people prefer that young people, others who are blind, crippled, or sick shall likewise receive a square deal.

This problem of old people affects us all, and none of us can keep from getting old or from dying. I have a lot of statistics in mind, but roughly speaking the proportion of old people is increasing very rapidly for the reason that families get smaller and smaller and the pioneer age has passed. And the point is we must approach this problem safely—and with accuracy and intelligence.

Dr. Townsend says that his plan ought eventually to include people down to 50 and 55 years. I wonder why, if we can bring prosperity that way, we could not drop to 40, then 30, and then have one big money machine and there would be no use of having any production of any kind—except paper money.

#### TWENTY-EIGHT BILLION DOLLARS EXTRA A YEAR WOULD BANKRUPT COUNTRY

Of course, I have said before that it would bankrupt the country to issue \$28,000,000,000 in extra currency a year, and after more serious research and conversation with all classes of informed persons I find this to be true. Even should the country not go bankrupt, the purchasing power of the \$200 would probably not be over \$30. Therefore it seems to me that the reasonable thing is to provide for payments and assistance which we are sure to get.

#### SECURITY NECESSARY FOR CIVILIZED SOCIETY

Let me now discuss the Social Security Act itself. It is a long-range plan and is as necessary to business and industry as it is to the individual citizen. Should the unemployment of the depression cease, or relief become unnecessary, the social security program would be absolutely necessary if we are to have a civilized society.

#### OUTLINE OF SOCIAL SECURITY ACT

The Social Security Act has the following groupings:

Unemployment compensation (State and Federal).

Old-age assistance and old-age benefits:

1. Assistance—State and Federal.
2. Benefits—Federal only.

Security for children:

1. Grants to States to assist in meeting the costs of aid to dependent children (mothers' aid).
2. Grants to States to assist in meeting the costs of maternal and child-health services.
3. Grants to States to assist in meeting the costs of child-welfare services.
4. Grants to States to assist in meeting the costs of services for crippled children.

Aid to the blind.

Extension of public-health services.

Vocational rehabilitation.

The methods of financing these programs are widely misunderstood. In the majority of security projects the Federal Government offers to share the expense of a welfare program if the State will set up a system of its own. This method of encouraging State action has proved its success in other fields. It combines the efficiency of local administration with the unity of a national program.

Every State in the Union has registered its approval of the plan by agreeing to cooperate in one or another of the Federal-State welfare programs.

#### HEADED BY GOVERNOR WINANT, REPUBLICAN

The plan is proceeding satisfactorily under the leadership of John G. Winant, formerly Governor of New Hampshire, a Republican, and one of the brightest and ablest men in the Nation. Associated with him are Arthur J. Altmeyer, who

had 14 years' experience in social legislation as chief statistician and secretary of the Wisconsin Industrial Commission, and was Assistant Secretary of Labor at the time of his appointment, and Vincent M. Miles, lawyer and ex-department commander of the American Legion in the State of Arkansas. The act requires that no more than two out of three board members shall be from the same political party. I say this to show that this work is to be nonpartisan. Except for certain experts and attorneys, the administration of the act requires civil service in all its appointments. From the start, politics is eliminated.

Let me discuss what is sought to be done.

First, concerning unemployment, which is connected with all the other problems: There are at least 10,000,000 without jobs. Also there are others forced out of jobs now and again, and among employed persons many become unemployed by accidents and disease. In the year 1933, 55,000 workers were permanently injured by industrial accidents and 14,000 killed. In the same period of time the death rate from other causes was and is higher than in any other civilized country in the world.

These conditions have put what the authorities recognize as some 20,000,000 people on Government relief. I believe the figure of those destitute, unemployed, or suffering a low standard of living will likely prove nearer thirty or forty million. But there are millions enough, and there is no use arguing the number of millions. It is important, however, to know that among those on relief something like 40 percent are children under 16.

All of this is bound up in the general matter of unemployment and the general necessity for social security.

#### UNEMPLOYMENT COMPENSATION BEGINS TO OPERATE

State unemployment compensation laws do not authorize immediate payments, but the number of persons already protected by them for the future exceeds 7,000,000, almost 40 percent of the total number who would be eligible if all States had enacted laws. This is due to the fact that such highly industrial States as New York and Massachusetts are among those which have already passed such legislation. Others are contemplating action now.

#### STATES COOPERATE IN FINANCING

Unemployment compensation benefits, as we know, are to be paid out of funds established by State laws. In States with approved laws employers can credit the amount of their contributions to State unemployment compensation funds against 90 percent of a Federal tax on pay rolls. Additional Federal grants are made to States for the cost of administration. The result is that any State may install an unemployment compensation system without increasing either its own expenses or the taxes on its citizens.

I have seen editorials in which it was stated that States must raise enough money to pay for an unemployment compensation program or lose an equal amount of money already collected from their citizens by Federal taxes. The facts are just the opposite. The act is carefully planned so that a State can install unemployment compensation without cost to itself or its citizens.

The act lays a Federal tax of 1 percent in 1936, 2 percent in 1937, and 3 percent thereafter on certain pay rolls. Each State by requiring employers to contribute may establish an unemployment compensation fund from which benefits will be paid to the unemployed. A particular State may require that both employers and employees contribute to this fund. Employers may then credit the amount of their contributions against 90 percent of the Federal tax on pay rolls.

Under this plan, employers all over the country pay the same Federal tax so that their competitive status is unchanged, but in States with unemployment compensation programs the tax is spent at home in providing security for its citizens.

A careful study of the act itself should be made in order to understand its various ramifications. However, I have gathered some figures on public assistance which includes old age, children, blindness, and disability of various kinds; I find that tangible results have already been achieved.



SEVEN HUNDRED AND NINETY-NINE THOUSAND PEOPLE TO BENEFIT BY  
JUNE—MILLION SOON

For instance, almost 800,000 needy persons will receive cash allowances under the act before June of this year; it will not be many months before this reaches a million citizens of all ages. Among those benefited are 631,000 needy aged, 19,700 blind persons, and 147,800 dependent children. This last group is the one whose homes were in danger of being broken up because of the death or incapacity of a parent. Now, by means of small monthly payments their widowed mothers will be enabled to keep them at home, where they can obtain a normal start in life.

Thirty-nine States are cooperating with the Federal Government in at least one of these public-assistance projects. Eighteen million dollars will be spent on these programs this spring by the Federal Government alone, and State contributions will build the fund up to \$36,000,000 before it reaches the beneficiaries.

These sums are trivial compared with the appropriations for general relief, but they all go to support the unemployables—people who are in dire need of aid and unable to do any kind of work. I know of no other expenditures which will do as much good.

PUBLIC HEALTH—CRIPPLED CHILDREN—NATIONAL REHABILITATION

Health measures authorized by the Social Security Act have obtained even wider cooperation. Forty-seven States have submitted plans for an extension of their public-health services with the aid of Federal funds.

Maternal and child health in rural areas are receiving particular attention in these plans. Crippled children will also be aided, and training provided for workers who have been disabled by industrial accidents and otherwise. Often disabled men can learn some new occupation and resume their place in the normal life of the community.

OLD-AGE SECURITY PLAN DESCRIBED—PAYMENTS SHOWN

The foregoing show some general figures on the matter of public assistance. Speaking specifically of old age, the social-security program is divided into assistance and benefits. The first is money paid out by the States to the needy aged in cooperation with the Federal Government. Under the latter is established an old-age benefit system to be financed wholly by the Federal Government.

I have already quoted figures on the old-age assistance payments. They show that this assistance for the needy is substantial, is immediate—if the State cooperates—and that Federal money is being paid now, and will continue to be paid in the States which approve plans.

In contrast to this, Dr. Townsend's plan is impracticable, and no such law is likely to be enacted for years. The sensible thing is, therefore, to build up social security of all kinds and old-age assistance now.

For old-age assistance to those over 65, the Government pays half—but not in excess of \$15—and the State half. Those who are now, or by June will be, getting regular checks number 631,743; and they receive each month \$11,136,329 in the 32 States which so far have submitted and had approved their plans for old-age assistance.

RETIREMENT BENEFITS START IN 1942

Let us discuss the old-age benefit program, although the old-age protection it affords is all in the future, for no regular benefits will begin until 1942. By next year, however, payments may be made to workers who die or reach the age of 65 before earning enough money to qualify for regular benefits.

This system, you recollect, is supported by Federal payments from the general funds. These future appropriations are balanced by the collection of special pay-roll and income taxes. Elaborate records of employees' earnings must be built up to fulfill our obligations to pay benefits to workers on the basis of their wages in employments covered by the system.

Regular benefits will eventually be paid monthly to qualified workers when they reach the age of 65. The amounts will vary according to the total amount of wages which each worker received in certain employments before he was 65 and

after the end of 1936. A man who earns total wages of only \$2,000 will receive the minimum benefit of \$10 a month until his death. One who works steadily and receives \$45,000, say by earning \$1,500 a year for 30 years, will receive \$50 a month. The maximum monthly benefit will be \$85. This Federal system is not a form of relief based on the poverty of the beneficiary, but is a plan to provide for the old age of self-supporting wage earners.

CRITICISM—TOO MUCH, TOO LITTLE

Something should be said about the criticisms of the act and of the Board. They are common enough but not consistent. One set of objectors says the payments are inadequate. Others complain that the program is too expensive. To this I might say such forms of criticism somewhat offset each other. It is true the needy do not get as much as we should like them to have; on the other hand, we are spending more money than some people think is desirable.

Some groups are protesting that security programs are being installed too rapidly; others the opposite. Again we must strike a balance between speed and caution. Hastily installed systems of administration could spoil the whole effect of the law. The act yokes together three wild horses—Federal, State, and county governments. Plenty of power should come out of a team like that, but we must make very sure that the harness is sound.

On the whole it is remarkable how much of the criticism is directed at details and how little at the principles of the act. The Social Security Board is expressly authorized to propose improvements in their system. It will do so as soon as its experience in the various States warrants such action.

Mr. Speaker, let me sum up. The Social Security Act, I repeat, is not anywhere near perfect, but it is a start. It covers a large field of human life; in fact, attempts to cover the whole field of our modern industrial life, with its ups and downs of sickness, unemployment, lack of child opportunity, family break-down, and old age. No system can meet these questions, of course, but we can strive to alleviate suffering and unexpected hardships, and the Social Security Act is a measure designed to that end.

Moreover, if one studies it without prejudice, it will hold water as not only workable but absolutely necessary. The act will directly benefit the businessman against panics and slack periods. And it is not a selfish plan for one class alone but for every free-born American living under these skies.

COOPERATION OF POSTAL INSPECTORS WITH BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

Mr. SUMNERS of Texas. Mr. Speaker, I call up a privileged resolution (H. Res. 508) calling on the Attorney General for certain information, upon which there is an adverse report by the committee.

The Clerk read as follows:

REPORT NO. 2735. REQUESTING INFORMATION FROM THE ATTORNEY GENERAL

Mr. SUMNERS of Texas, from the Committee on the Judiciary, submitted the following adverse report (to accompany H. Res. 508):

"The Committee on the Judiciary, to whom was referred the resolution (H. Res. 508) directing the Attorney General to furnish the House of Representatives with information concerning an allegation that postal inspectors did not furnish information and did not cooperate with agents of the Bureau of Investigation, Department of Justice, in the capture of Sam Coker, an associate of Harry Campbell, alleged mail robbers, at Garrettsville, Ohio, together with copies of correspondence on the subject, after consideration, report the same adversely to the House, with the recommendation that it do not pass.

"There is attached hereto and made a part of this report a communication addressed to the chairman of the committee by the Attorney General with regard to this resolution, as follows:

"OFFICE OF THE ATTORNEY GENERAL,

"Washington, D. C., May 16, 1936.

"Hon. HATTON W. SUMNERS,

"House of Representatives, Washington, D. C.

"MY DEAR MR. CONGRESSMAN: I have your letter of May 14, in which you enclose a copy of House Resolution No. 508, which has been referred to the House Judiciary Committee, and upon which you request my views.

"Inasmuch as the subject matter of the resolution relates to co-operative action of two executive departments of the Government in their efforts to apprehend and punish law violators, any publication of information as to their methods of operation would be dis-



advantageous to their efficient functioning. Consequently I recommend with great respect that the resolution should be not passed.

"With kind regards, sincerely yours,

"STANLEY REED,  
"Acting Attorney General."

Mr. SUMNERS of Texas (interrupting the reading of the report). Mr. Speaker, I ask unanimous consent that the letter be printed in the RECORD and not read.

Mr. MARTIN of Massachusetts. Reserving the right to object, has the gentleman informed the Member who introduced this resolution that it was coming up at this time?

Mr. SUMNERS of Texas. No. It is a unanimous report from the Committee on the Judiciary. I was not in the committee when the gentleman from Missouri [Mr. SHORT] was there, but I believe he has no objection to this procedure. I think everybody agrees to it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk concluded the reading of the letter.

Mr. SUMNERS of Texas. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

A motion to reconsider was laid on the table.

CONTESTED ELECTION—LINCOLN ROY M'CANDLESS, CONTESTANT, V. SAMUEL WILDER KING

Mr. GAVAGAN, from the Committee on Elections No. 2, submitted a report (H. Res. 521) on the election contest of Lincoln Roy McCandless, contestant, against Samuel Wilder King, contestee, which was referred to the House Calendar.

#### EXTENSION OF REMARKS

Mr. BLANTON. Mr. Speaker, I was going to prefer a request for a special order, but the majority leader does not want any more special orders today and I will conform to his desire. So I ask unanimous consent to extend my own remarks and to embrace some data illustrative of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

Mr. RICH. Reserving the right to object, Mr. Speaker, I would like to know how much data the gentleman is going to put into the RECORD?

Mr. BLANTON. It will be such data as is needed to be illustrative of my speech.

Mr. RICH. About how many pages of the RECORD will it take?

Mr. BLANTON. The data I will quote will consume only about three or four pages.

Mr. RICH. That is a good many pages.

Mr. BANKHEAD. Mr. Speaker, the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. BLANTON]?

There was no objection.

#### TEXTILES FROM JAPAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks and include as a part thereof a report from the Tariff Commission which shows that at last they have yielded to our request and will increase the duty on certain cotton textiles from Japan more than 40 percent in some instances. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, while this is a step in the right direction it will not be enough to take care of the situation. It does not include an increased duty on velveteens, and I must continue my battle. The report of the Tariff Commission follows:

#### COTTON CLOTH

The Tariff Commission announces that the President has approved the findings of the Commission with respect to the excess

of domestic over Japanese costs of cotton cloth, and has issued a proclamation under the provisions of section 336 of the Tariff Act of 1930 increasing the duties on bleached, printed, dyed, or colored cotton cloths containing yarns the average number of which exceeds no. 30 but does not exceed no. 50. The cloths on which duties are changed constituted about 58 percent, on the square-yard basis, of the total cotton cloths imported in 1935, and about 90 percent of the cotton cloths imported from Japan in that year.

The duties on cotton cloths in paragraph 904 of the Tariff Act of 1930 depend on the fineness of the yarn; the higher the yarn number the higher the duty. On bleached cotton cloths within the limits specified in the proclamation the duties under the 1930 act range from 23.85 percent ad valorem for 31s average yarn number to 30.5 percent for 50s; the new duties will range from 34 percent ad valorem for 31s to 43.5 percent for 50s. On printed, dyed, or colored cotton cloths within the limits specified the duties under the act of 1930 range from 26.85 percent ad valorem for 31s average yarn number to 33.50 percent ad valorem for 50s average yarn number; the new duties will range from 38 percent ad valorem for 31s average yarn number to 47.5 percent ad valorem for 50s average yarn number. The proclaimed duties represent an increase over the existing duties of about 42 percent for both bleached cloths and printed, dyed, or colored cloths. The increase in rates does not affect unbleached cloth nor cloth woven with eight or more harnesses, or with Jacquard, lappet, or swivel attachments.

The cost-of-production investigation of domestic and foreign cotton cloths was instituted by the Tariff Commission in response to a Senate resolution. The Commission selected for use as the basis of cost comparisons bleached, printed, dyed, and colored cotton cloths containing yarns, the average number of which exceeds 30 but does not exceed 50. Imports of unbleached cloths as a whole are small, and imports of bleached, printed, dyed, or colored cloths coarser or finer than the 31s-50s range consist of numerous varieties, each of which is imported in relatively small quantities from any one country. Imports within the 31s-50s range constitute nearly three-fifths of the total imports and they come principally from Japan. In its report the Commission compared costs of production of domestic cloths delivered at New York, the principal market, with costs, as evidenced by invoice prices, of similar Japanese cloths delivered at New York.

The United Kingdom supplied the bulk of the cotton cloths imported into the United States prior to 1931. Switzerland was the leading source in the period 1931-34. Late in 1934 the imports from Japan became important, and that country was the principal source of imports in 1935 and in 1936 to date. Of the total United States imports in 1935, amounting to 62,000,000 square yards, Japan supplied 36,400,000 square yards, of which 30,000,000 square yards were bleached, 6,000,000 were printed, dyed, or colored, and 57,000 unbleached. Of these 1935 imports from Japan, about 33,000,000 square yards, or over 90 percent, were within the yarn counts of 31s to 50s on which the duty has been increased. Imports from Japan in the first quarter of 1936 increased to over 21,000,000 square yards.

The imported Japanese cloths are lighter in weight than the most nearly comparable domestic goods, and they have sold at prices per yard which take into account the weight difference. Import prices, in fact, have usually been lower than domestic by more than the disparity in weight and frequently have been lower than the costs of production of the heavier domestic cloths.

The bulk of the cotton cloths imported from Japan in 1935 and the first quarter of 1936 were mulls and shirtings, mostly bleached but including some piece-dyed, finished from gray shirtings; these are competitive in a range of uses with domestic nainsooks and muslins similarly finished from gray print cloth. The main use of the Japanese mulls and shirtings is in the manufacture of nightgowns, children's underwear, and men's handkerchiefs.

Of the total United States production of countable cotton cloths, amounting to more than 7,300,000,000 square yards in 1933, print cloths and sheetings are the largest items. The shift in production of these goods from New England to the Southern States since 1921 has been very noticeable. In the case of print cloth, the Southern States had about 61 percent of the total national production in 1921 and 94 percent in 1933. In 1935 there was very little print cloth produced in New England.

Imports of countable cotton cloths from all sources were equivalent to somewhat less than 1 percent and imports from Japan to about one-half of 1 percent of the total yardage of domestic production in 1935. The competition of imports from Japan is, however, confined to part of the field only—that of print cloths, especially bleached print cloths. The ratio of total imports of shirtings from Japan to total domestic production of print cloths was about 2 percent in 1935, and the ratio of bleached shirtings from Japan to domestic production of bleached print cloths was about 13 percent.

Although the United States is the world's largest producer of cotton cloth, Japan in recent years has been the largest exporter. The United States regularly exports more cotton cloth than it imports, but in recent years its export trade has fallen sharply, the decline due in large part to the competition of cheaper fabrics from Japan. Japan's exports of cotton cloth to the United States constituted in 1935 less than 2 percent of its total exports of such cloth.

The new rates of duty will become effective on June 20, 1936.



AGREEMENT BETWEEN RAILROAD CARRIERS AND THEIR EMPLOYEES

Mr. CROSSER of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes in regard to a matter of importance to the entire membership.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CROSSER of Ohio. Mr. Speaker, with much pleasure I wish to make a statement which I am sure all Members of the House will be glad to hear.

The differences between the railroads of the United States on the one hand and the railroad employees on the other, in regard to the rights of employees in connection with proposed consolidations of terminal facilities have been adjusted. A written agreement was signed today by the representatives of the railroads and by the representatives of the railroad workers. The agreement is for a period of 5 years beginning on June 18, 1936, and does away with the necessity for the enactment of the Wheeler-Crosser bill which would restrict reductions in railroad employment, and which is now pending before congressional committees in the Senate and House of Representatives. [Applause.]

I think it proper to say that much credit is due to both the representatives of the railroad workers and to the representatives of the railroads for the rare intelligence, high sense of justice, and devotion to duty manifested by them in their efforts to reconcile their great and serious differences. In the controversy was involved the loss of the positions of possibly 200,000 men, a very serious matter, indeed, at this time. The management and men have worked out with a great deal of care an arrangement that is mutually satisfactory to management and men.

I think that we should pay tribute to the fine spirit evidenced by both parties for the satisfactory conclusion of the whole matter. When the railway labor bill was before the House for consideration, I stated that the use of the means provided in that bill for mediation in and settlement of railway labor disputes would rapidly develop a spirit of conciliation and cooperation between the workers and the management which would tend to establish good will and harmony throughout the whole industry.

The signing today of the remarkable document to which I have referred, that is, the contract between the railroad companies and their workers, fulfills in a gratifying measure the prediction to which I have referred. It is a triumph of principle over force and advances the cause of justice immeasurably.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CROSSER of Ohio. I yield.

Mr. McCORMACK. My friend the gentleman from Ohio has been very kind, and properly so, in complimenting the representatives of the employees and of the railroads, but I think that the gentleman from Ohio himself is entitled to be complimented. The gentleman has worked tirelessly on all occasions in behalf of the railroad employees. He has done so on this important question, having introduced legislation to bring about results if an agreement had not been reached. I repeat, the gentleman himself is to be complimented. [Applause.] It has been a pleasure for me to work with the gentleman from Ohio [Mr. CROSSER] on this matter, as I was on the railroad retirement legislation, and I am pleased to hear him advise the House that a settlement has been arrived at.

Mr. CROSSER of Ohio. I thank the gentleman from Massachusetts. I can only say that I have done whatever was in my power to have justice done to all parties concerned.

Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a copy of the agreement I referred to, which was signed here in Washington, D. C., today. It is very important that the Members have it.

Mr. RICH. Mr. Speaker, reserving the right to object, is this a document that should be printed in the RECORD? Should it not rather be printed in pamphlet form?

Mr. CROSSER of Ohio. The trouble is the Members will be asked for it immediately; their constituents will want to know what it contains.

Mr. RICH. I am not going to object, but we are trying to keep the RECORD down; and I am just wondering whether it is proper to print this agreement in an extension of remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The agreement referred to follows:

AGREEMENT OF MAY 1936, WASHINGTON, D. C.

This agreement is entered into between the carriers listed and defined in appendixes A, B, and C, attached hereto and made a part hereof, represented by the duly authorized joint conference committee signatory hereto, as party of the first part, and the employees of said carriers, represented by the organizations signatory hereto by their respective duly authorized executives, as party of the second part, and, so far as necessary to carry out the provisions hereof, is also to be construed as a separate agreement by and between and in behalf of each of said carriers and its employees who are now or may hereafter be represented by any of said organizations which now has (or may hereafter have during the life of this agreement) an agreement with such carrier concerning rates of pay, rules, or working conditions.

The signatories hereto, having been respectively duly authorized as aforesaid to negotiate to a conclusion certain pending issues concerning the treatment of employees who may be affected by coordination as hereinafter defined, hereby agree:

SECTION 1. That the fundamental scope and purpose of this agreement is to provide for allowances to defined employees affected by coordination as hereinafter defined, and it is the intent that the provisions of this agreement are to be restricted to those changes in employment in the railroad industry solely due to and resulting from such coordination. Therefore, the parties hereto understand and agree that fluctuations, rises and falls, and changes in volume or character of employment brought about solely by other causes are not within the contemplation of the parties hereto or covered by or intended to be covered by this agreement.

SEC. 2. (a) The term "coordination" as used herein means joint action by two or more carriers whereby they unify, consolidate, merge, or pool in whole or in part their separate railroad facilities or any of the operations or services previously performed by them through such separate facilities.

(b) The term "carrier" as used herein when it refers to other than parties to this agreement means any carrier subject to the provisions of part I of the Interstate Commerce Act; when it refers to a party to this agreement it means any company or system listed and described in appendixes A, B, or C as a single carrier party to this agreement.

(c) The term "time of coordination" as used herein includes the period following the effective date of a coordination during which changes consequent upon coordination are being made effective; as applying to a particular employee it means the date in said period when that employee is first adversely affected as a result of said coordination.

SEC. 3. (a) The provisions of this agreement shall be effective and shall be applied whenever two or more carriers parties hereto undertake a coordination; and it is understood that if a carrier or carriers parties hereto undertake a coordination with a carrier or carriers not parties hereto, such coordination will be made only upon the basis of an agreement approved by all of the carriers parties thereto and all of the organizations of employees involved (parties hereto) of all of the carriers concerned. No coordination involving classes of employees not represented by any of the organizations parties hereto shall be undertaken by the carriers parties hereto, except in accord with the provisions of this agreement or agreements arising hereunder.

(b) Each carrier listed and established as a separate carrier for the purposes of this agreement, as provided in appendixes A, B, and C, shall be regarded as a separate carrier for the purposes hereof during the life of this agreement: *Provided, however*, That in the case of any coordination involving two or more railroad carriers which also involves the Railway Express Agency, Inc., the latter company shall be treated as a separate carrier with respect to its operations on each of the railroads involved.

(c) It is definitely understood that the action of the parties hereto in listing and establishing as a single carrier any system which comprises more than one operating company is taken solely for the purposes of this agreement and shall not be construed or used by either party hereto to limit or affect the rights of the other with respect to matters not falling within the scope and terms of this agreement.

SEC. 4. Each carrier contemplating a coordination shall give at least 90 days written notice of such intended coordination by posting a notice on bulletin boards convenient to the interested employees of each such carrier and by sending registered mail notice to the representatives of such interested employees. Such notice shall contain a full and adequate statement of the proposed changes to be effected by such coordination, including an estimate of the number of employees of each class affected by the



intended changes. The date and place of a conference between representatives of all the parties interested in such intended changes for the purpose of reaching agreements with respect to the application thereto of the terms and conditions of this agreement shall be agreed upon within 10 days after the receipt of said notice, and conference shall commence within 30 days from the date of such notice.

Sec. 5. Each plan of coordination which results in the displacement of employees or rearrangement of forces shall provide for the selection of forces from the employees of all the carriers involved on bases accepted as appropriate for application in the particular case; and any assignment of employees made necessary by a coordination shall be made on the basis of an agreement between the carriers and the organizations of the employees affected, parties hereto. In the event of failure to agree the dispute may be submitted by either party for adjustment in accordance with section 13.

Sec. 6. (a) No employee of any of the carriers involved in a particular coordination who is continued in service shall, for a period not exceeding 5 years following the effective date of such coordination, be placed, as a result of such coordination, in a worse position with respect to compensation and rules governing working conditions than he occupied at the time of such coordination so long as he is unable in the normal exercise of his seniority rights under existing agreements, rules, and practices to obtain a position producing compensation equal to or exceeding the compensation of the position held by him at the time of the particular coordination, except, however, that if he fails to exercise his seniority rights to secure another available position, which does not require a change of residence, to which he is entitled under the working agreement and which carries a rate of pay and compensation exceeding those of the position which he elects to retain, he shall thereafter be treated for the purposes of this section as occupying the position which he elects to decline.

(b) The protection afforded by the foregoing paragraph shall be made effective whenever appropriate through what is hereby designated as a "displacement allowance" which shall be determined in each instance in the manner hereinafter described. Any employee entitled to such an allowance is hereinafter referred to as a displaced employee.

(c) Each displacement allowance shall be a monthly allowance determined by computing the total compensation received by the employee and his total time paid for during the last 12 months in which he performed service immediately preceding the date of his displacement (such 12 months being hereinafter referred to as the "test period") and by dividing separately the total compensation and the total time paid for by 12, thereby producing the average monthly compensation and average monthly time paid for, which shall be the minimum amounts used to guarantee the displaced employee, and if his compensation in his current position is less in any month in which he performs work than the aforesaid average compensation he shall be paid the difference, less compensation for any time lost on account of voluntary absences to the extent that he is not available for service equivalent to his average monthly time during the test period, but he shall be compensated in addition thereto at the rate of the position filled for any time worked in excess of the average monthly time paid for during the test period.

Sec. 7. (a) Any employee of any of the carriers participating in a particular coordination who is deprived of employment as a result of said coordination shall be accorded an allowance (hereinafter termed a "coordination allowance") based on length of service which (except in the case of an employee with less than 1 year of service) shall be a monthly allowance equivalent in each instance to 60 percent of the average monthly compensation of the employee in question during the last 12 months of his employment in which he earned compensation prior to the date he is first deprived of employment as a result of the coordination. This coordination allowance will be made to each eligible employee while unemployed by his home road or in the coordinated operation during a period beginning at the date he is first deprived of employment as a result of the coordination and extending in each instance for a length of time determined and limited by the following schedule:

Length of service:	Period of payment	Months
1 year and less than 2 years.....		6
2 years and less than 3 years.....		12
3 years and less than 5 years.....		18
5 years and less than 10 years.....		36
10 years and less than 15 years.....		48
15 years and over.....		60

In the case of an employee with less than 1 year of service, the total coordination allowance shall be a lump-sum payment in an amount equivalent to 60 days' pay at the straight-time daily rate of the last position held by him at the time he is deprived of employment as a result of the coordination.

(b) For the purposes of this agreement the length of service of the employee shall be determined from the date he last acquired an employment status with the employing carrier, and he shall be given credit for 1 month's service for each month in which he performed any service (in any capacity whatsoever) and 12 such months shall be credited as 1 year's service. The employment status of an employee shall not be interrupted by furlough in instances where the employee has a right to and does return to service when called. In determining length of service of an employee acting as an officer or other official representative of an

employee organization he will be given credit for performing service while so engaged on leave of absence from the service of a carrier.

(c) An employee shall be regarded as deprived of his employment and entitled to a coordination allowance in the following cases:

1. When the position which he holds on his home road is abolished as a result of coordination and he is unable to obtain by the exercise of his seniority rights another position on his home road or a position in the coordinated operation, or

2. When the position he holds on his home road is not abolished but he loses that position as a result of the exercise of seniority rights by an employee whose position is abolished as a result of said coordination, or by other employees, brought about as a proximate consequence of the coordination, and if he is unable by the exercise of his seniority rights to secure another position on his home road or a position in the coordinated operation.

(d) An employee shall not be regarded as deprived of employment in case of his resignation, death, retirement on pension or on account of age or disability in accordance with the current rules and practices applicable to employees generally, dismissal for justifiable cause in accordance with the rules, or furloughed because of reduction in forces due to seasonal requirements of the service; nor shall any employee be regarded as deprived of employment as the result of a particular coordination who is not deprived of his employment within 3 years from the effective date of said coordination.

(e) Each employee receiving a coordination allowance shall keep the employer informed of his address and the name and address of any other person by whom he may be regularly employed.

(f) The coordination allowance shall be paid to the regularly assigned incumbent of the position abolished. If the position of an employee is abolished while he is absent from service, he will be entitled to the coordination allowance when he is available for service. The employee temporarily filling said position at the time it was abolished will be given a coordination allowance on the basis of said position until the regular employee is available for service and thereafter shall revert to his previous status and will be given a coordination allowance accordingly if any is due.

(g) An employee receiving a coordination allowance shall be subject to call to return to service after being notified in accordance with the working agreement, and such employee may be required to return to the service of the employing carrier for other reasonably comparable employment for which he is physically and mentally qualified and which does not require a change in his place of residence, if his return does not infringe upon the employment rights of other employees under the working agreement.

(h) If an employee who is receiving a coordination allowance returns to service the coordination allowance shall cease while he is so reemployed and the period of time during which he is so reemployed shall be deducted from the total period for which he is entitled to receive a coordination allowance. During the time of such reemployment however he shall be entitled to protection in accordance with the provisions of section 6.

(i) If an employee who is receiving a coordination allowance obtains railroad employment (other than with his home road or in the coordinated operation) his coordination allowance shall be reduced to the extent that the sum total of his earnings in such employment and his allowance exceed the amount upon which his coordination allowance is based; provided that this shall not apply to employees with less than 1 year's service.

(j) A coordination allowance shall cease prior to the expiration of its prescribed period in the event of—

1. Failure without good cause to return to service in accordance with working agreement after being notified of position for which he is eligible and as provided in paragraphs (g) and (h).

2. Resignation.

3. Death.

4. Retirement on pension or on account of age or disability in accordance with the current rules and practices applicable to employees generally.

5. Dismissal for justifiable cause.

Sec. 8. An employee affected by a particular coordination shall not be deprived of benefits attaching to his previous employment, such as free transportation, pensions, hospitalization, relief, etc., under the same conditions and so long as such benefits continue to be accorded to other employees on his home road, in active service, or on furlough, as the case may be, to the extent that such benefits can be so maintained under present authority of law or corporate action or through future authorization which may be obtained.

Sec. 9. Any employee eligible to receive a coordination allowance under section 7 hereof may, at his option at the time of coordination, resign and (in lieu of all other benefits and protections provided in this agreement) accept in a lump sum a separation allowance determined in accordance with the following schedule:

Length of service:	Separation allowance	Months' pay
1 year and less than 2 years.....		3
2 years and less than 3 years.....		6
3 years and less than 5 years.....		9
5 years and less than 10 years.....		12
10 years and less than 15 years.....		12
15 years and over.....		12



In the case of employees with less than 1 year's service, 5 days' pay, at the rate of the position last occupied, for each month in which they performed service, will be paid as the lump sum.

(a) Length of service shall be computed as provided in section 7.

(b) One month's pay shall be computed by multiplying by 30 the daily rate of pay received by the employee in the position last occupied prior to time of coordination.

Sec. 10 (a). Any employee who is retained in the service of any carrier involved in a particular coordination (or who is later restored to service from the group of employees entitled to receive a coordination allowance) who is required to change the point of his employment as result of such coordination and is therefore required to move his place of residence, shall be reimbursed for all expenses of moving his household and other personal effects, and for the traveling expenses of himself and members of his family, including living expenses for himself and his family, and his own actual wage loss during the time necessary for such transfer, and for a reasonable time thereafter (not to exceed 2 working days), used in securing a place of residence in his new location. The exact extent of the responsibility of the carrier under this provision and the ways and means of transportation shall be agreed upon in advance between the carrier responsible and the organization of the employee affected. No claim for expenses under this section shall be allowed unless they are incurred within 3 years from the date of coordination, and the claim must be submitted within 90 days after the expenses are incurred.

(b) If any such employee is furloughed within 3 years after changing his point of employment as a result of coordination, and elects to move his place of residence back to his original point of employment, the carrier shall assume the expense of moving his household and other personal effects under the conditions imposed in paragraph (a) of this section.

(c) Except to the extent provided in paragraph (b) changes in place of residence subsequent to the initial changes caused by coordination and which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

Sec. 11 (a). The following provisions shall apply, to the extent they are applicable in each instance, to any employee who is retained in the service of any of the carriers involved in a particular coordination (or who is later restored to such service from the group of employees entitled to receive a coordination allowance) who is required to change the point of his employment as a result of such coordination and is therefore required to move his place of residence:

1. If the employee owns his own home in the locality from which he is required to move, he shall at his option be reimbursed by his employing carrier for any loss suffered in the sale of his home for less than its fair value. In each case the fair value of the home in question shall be determined as of a date sufficiently prior to the coordination to be unaffected thereby. The employing carrier shall in each instance be afforded an opportunity to purchase the home at such fair value before it is sold by the employee to any other party.

2. If the employee is under a contract to purchase his home, the employing carrier shall protect him against loss to the extent of the fair value of any equity he may have in the home, and in addition shall relieve him from any further obligations under his contract.

3. If the employee holds an unexpired lease of a dwelling occupied by him as his home, the employing carrier shall protect him from all loss and cost in securing the cancellation of his said lease.

(b) Changes in place of residence subsequent to the initial change caused by coordination and which grow out of the normal exercise of seniority in accordance with working agreements are not comprehended within the provisions of this section.

(c) No claim for loss shall be paid under the provisions of this section which is not presented within 3 years after the effective date of the coordination.

(d) Should a controversy arise in respect to the value of the home, the loss sustained in its sale, the loss under a contract for purchase, loss and cost in securing termination of lease, or any other question in connection with these matters, it shall be decided through joint conference between the representatives of the employees and the carrier on whose line the controversy arises, and in the event they are unable to agree, the dispute may be referred by either party to a board of three competent real-estate appraisers, selected in the following manner: One to be selected by the representatives of the employees and the carrier, respectively; these two shall endeavor by agreement within 10 days after their appointment to select the third appraiser, or to select some person authorized to name the third appraiser, and in the event of failure to agree, then the Chairman of the Interstate Commerce Commission shall be requested to appoint the third appraiser. A decision of a majority of the appraisers shall be required, and said decision shall be final and conclusive. The salary and expenses of the third or neutral appraiser, including the expenses of the appraisal board, shall be borne equally by the parties to the proceedings. All other expenses shall be paid by the party incurring them, including the salary of the appraiser selected by such party.

Sec. 12. If any carrier shall rearrange or adjust its forces in anticipation of a coordination, with the purpose or effect of de-

priving an employee of benefits to which he should be entitled under this agreement as an employee immediately affected by a coordination, this agreement shall apply to such an employee as of the date when he is so affected.

Sec. 13. In the event that any dispute or controversy arises (except as defined in sec. 11) in connection with a particular coordination, including an interpretation, application, or enforcement of any of the provisions of this agreement (or of the agreement entered into between the carriers and the representatives of the employees relating to said coordination as contemplated by this agreement) which is not composed by the parties thereto within 30 days after same arises, it may be referred by either party for consideration and determination to a committee which is hereby established, composed in the first instance of the signatories to this agreement. Each party to this agreement may name such persons from time to time as each party desires to serve on such committee as its representatives in substitution for such original members. Should the committee be unable to agree, it shall select a neutral referee and in the event it is unable to agree within 10 days upon the selection of said referee, then the members on either side may request the National Mediation Board to appoint a referee. The case shall again be considered by the committee and the referee, and the decision of the referee shall be final and conclusive. The salary and expenses of the referee shall be borne equally by the parties to the proceeding; all other expenses shall be paid by the party incurring them.

Sec. 14. Any carrier not initially a party to this agreement may become a party by serving notice of its desire to do so by mail upon the members of the committee established by section 13 hereof. It shall become a party as of the date of the service of such notice or upon such later date as may be specified therein.

Sec. 15. This agreement shall be effective June 18, 1936, and be in full force and effect for a period of 5 years from that date and continue in effect thereafter, with the privilege that any carrier or organization party hereto may then withdraw from the agreement after 1 year from having served notice of its intention so to withdraw: *Provided, however*, That any rights of the parties hereto or of individuals established and fixed during the term of this agreement shall continue in full force and effect, notwithstanding the expiration of the agreement or the exercise by a carrier or an organization of the right to withdraw therefrom.

This agreement shall be subject to revision by mutual agreement of the parties hereto at any time, but only after the serving of a 60 days' notice by either party upon the other.

For the participating carriers listed in appendix A:

H. A. ENOCHS.  
JNO. G. WALKER.  
WM. WHITE.

For the participating carriers listed in appendix B:

C. A. CLEMENTS.  
E. J. CONNORS.  
C. M. DUKES.

For the participating carriers listed in appendix C:

H. A. BENTON.  
W. J. JENKINS.  
J. B. FARRISH.

For the participating carriers:

H. A. ENOCHS,  
Chairman, Joint Conference Committee.

For the participating organizations of employees:

A. Johnston (by W. J. B.), grand chief engineer, Brotherhood of Locomotive Engineers; D. B. Robertson, president, Brotherhood of Locomotive Firemen and Enginemen; J. A. Phillips, president, Order of Railway Conductors of America; A. F. Whitney, president, Brotherhood of Railroad Trainmen; T. C. Cashen, president, Switchmen's Union of North America; E. J. Manion, president, Order of Railroad Telegraphers; J. G. Luhrs, president, American Train Dispatchers' Association; A. O. Wharton, president, International Association of Machinists; J. A. Franklin, president, International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America; Ray Horn, president, International Brotherhood of Blacksmiths, Drop Forgers, and Helpers; John J. Hynes, president, Sheet Metal Workers' International Association; C. J. McGlogan, vice president, International Brotherhood of Electrical Workers; Felix H. Knight, president, Brotherhood Railway Carmen of America; J. J. McNamara, president, International Brotherhood of Firemen and Oilers; F. H. Fljozdal, president, Brotherhood of Maintenance of Way Employees; Geo. M. Hanson, president, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; A. E. Lyon, acting president, Brotherhood of Railroad Signalmen of America; M. S. Warfield, president, Order of Sleeping Car Conductors; James J. Delaney, president, National Organization Masters, Mates, and Pilots of America; Wm. L. Brown, president, National Marine Engineers' Beneficial Association.

GEO. M. HANSON,

Chairman, Railway Labor Executives' Association.  
Signed at Washington, D. C., May 21, 1936.



## APPENDIX A

## List of carriers in eastern territory parties to agreement

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Ann Arbor.....	Chicago & Erie; New Jersey & New York, New York, Susquehanna & Western.
Baltimore & Ohio.....	
Bessemer & Lake Erie.....	
Boston & Maine.....	
Boston Terminal.....	
Central R. R. of New Jersey.....	
Cincinnati Union Terminal Co.....	
Chicago, Indianapolis & Louisville.....	
Chicago River & Indiana.....	
Cleveland Union Terminals Co.....	
Dayton Union.....	All leased lines.
Delaware, Lackawanna & Western.....	
Detroit & Toledo Shore Line.....	
Detroit Terminal.....	
Detroit, Toledo & Ironton.....	
Erie.....	
Indianapolis Union.....	
Indiana Harbor Belt.....	
Lehigh & Hudson River.....	
Lehigh & New England.....	
Lehigh Valley.....	Waynesburg & Washington; Baltimore & Eastern.
Long Island.....	
Maine Central.....	
Monongahela.....	
The New York Central R. R. Co.....	
New York, Chicago & St. Louis.....	
New York, New Haven & Hartford.....	
Pennsylvania.....	
Pennsylvania-Reading Seashore Lines.....	
Pere Marquette.....	Lake Erie & Eastern.
Pittsburgh & Lake Erie.....	
Portland Terminal Co.....	
Railway Express Agency, Inc.....	
Reading.....	
Rutland.....	
Staten Island Rapid Transit.....	
Washington Terminal.....	
Western Maryland.....	
Wheeling & Lake Erie.....	Lorain & West Virginia.

NOTE.—Agreement subject to approval of court with respect to lines in hands of receivers or trustees.

## APPENDIX B

## List of carriers in western territory parties to agreement

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Alameda Belt Line.....	Gulf, Colorado & Santa Fe Ry. Co.; Panhandle & Santa Fe Ry. Co.
Alton & Southern R. R.....	
Alton R. R. Co., the.....	
Atchison, Topeka & Santa Fe Ry. Co., the.....	
Atchison Union Railway & Depot Co.....	
Baltimore & Ohio Chicago Terminal R. R. Co., the.....	
Belt Railway Co. of Chicago.....	
Burlington-Rock Island R. R. Co.....	
Carnegie Prairie R. R. Co.....	
Chicago & Eastern Illinois Ry. Co.....	Quincy, Omaha & Kansas City R. R. Co.; Chicago, Terre Haute & Southeastern Ry. Co.; Chicago, Rock Island & Gulf Ry. Co.; Peoria Terminal Co.
Chicago & Illinois Midland Ry. Co.....	
Chicago & North Western Ry. Co.....	
Chicago & Western Indiana R. R. Co.....	
Chicago, Burlington & Quincy R. R. Co.....	
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.....	
Chicago, Rock Island & Pacific Ry. Co., the.....	
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.....	
Chicago Union Station Co.....	
Colorado & Southern Ry. Co.....	Iowa Railway Transfer Co. Duluth & Iron Range R. R. Co. Mineral Range R. R. Co.
Davenport, Rock Island & Northwestern Ry. Co.....	
Denver & Rio Grande Western R. R. Co., the.....	
Denver & Salt Lake Ry. Co., the.....	
Denver Union Terminal Ry. Co., the.....	
Des Moines Union Ry. Co.....	
Duluth, Missabe & Northern Ry. Co.....	
Duluth, South Shore & Atlantic Ry. Co.....	
East Portland Freight Terminal.....	
East St. Louis Junction R. R.....	Wichita Valley Ry. Co., the.
Elgin, Joliet & Eastern Ry. Co.....	
Fort Smith & Western Ry.....	
Fort Worth & Denver City Ry. Co.....	
Fort Worth Belt Ry. Co.....	
Galveston, Houston & Henderson R. R.....	
Great Northern Ry. Co.....	
Green Bay & Western R. R. Co.....	

## APPENDIX B—Continued

## List of carriers in western territory parties to agreement—Con.

Carrier	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1
(1)	(2)
Gulf Coast Lines.....	New Orleans, Texas & Mexico Ry. Co.; St. Louis, Brownsville & Mexico Ry. Co.; Beaumont, Sour Lake & Western Ry. Co.; Houston & Brazos Valley Ry. Co.; San Antonio, Uvalde & Gulf R. R. Co.; Sugar Land Ry. Co.; Rio Grande City Ry. Co.; Asherton & Gulf Ry. Co.; Asphalt Belt Ry. Co.; San Antonio Southern Ry. Co.; San Benito & Rio Grande Valley Ry. Co.; Orange & Northwestern R. R. Co.; New Iberia & Northern R. R. Co.; Iberia, St. Mary & Eastern R. R. Co.
Houston Belt & Terminal Ry. Co.....	Railway Transfer Co. of the City of Minneapolis.
International-Great Northern R. R.....	
Kansas City Terminal Ry. Co.....	
Kansas, Oklahoma & Gulf Ry. Co.....	
Lake Superior & Ishpeming R. R. Co.....	
Litchfield & Madison Ry. Co.....	
Manufacturers Ry. Co. (St. Louis).....	
Midland Valley R. R. Co.....	
Minneapolis, St. Paul & Saulte Ste. Marie Ry. Co.....	
Minneapolis & St. Louis R. R. Co., the.....	Big Fork & International Falls Ry. Co.
Minnesota Transfer Ry. Co., the.....	
Minnesota & International Ry. Co.....	
Missouri-Illinois R. R. Co.....	
Missouri-Kansas-Texas R. R. Co.....	
Missouri Pacific R. R. Co.....	
Northern Pacific Ry. Co.....	
Northern Pacific Terminal Co. of Oregon, the.....	
Northwestern Pacific R. R. Co.....	
Ogden Union Ry. & Depot Co.....	Missouri Pacific R. R. Corporation in Nebraska; Fort Smith Suburban Ry.; Natchez & Southern Ry.; Natchez & Louisiana Ry. Transfer Co. (boat); the Chester & Mt. Vernon R. R.; Booneville, St. Louis & Southern Ry. Co.; Cairo & Thebes R. R. Co.; Marion & Eastern R. R. Co.
Oklahoma City-Ada-Atoka Ry. Co.....	
Oregon, California & Eastern Ry. Co.....	
Peoria & Pekin Union Ry. Co.....	
Port Terminal Railroad Association (Houston).....	
Pueblo Union Depot & R. R. Co., the.....	
Railway Express Agency, Inc.....	
Rock Island-Frisco Terminal Ry. Co.....	
St. Joseph Terminal R. R. Co.....	
St. Joseph Union Depot Co.....	St. Louis-San Francisco & Texas Ry.; Fort Worth & Rio Grande Ry.; Birmingham Belt R. R. Co.
St. Paul Union Depot Co., the.....	
St. Louis & O'Fallon Ry. Co.....	
St. Louis-San Francisco Ry. Co.....	
St. Louis Southwestern Ry. Co.....	
Salt Lake City Union Depot & R. R. Co., the.....	St. Louis Southwestern Ry. Co. of Texas; Dallas Terminal Ry. & Union Depot Co.
San Diego & Arizona Eastern Ry. Co.....	
Sioux City Terminal Ry. Co.....	
South Omaha Terminal Ry. Co.....	
Southern Pacific Co.-Pacific Lines.....	
Spokane, Portland & Seattle Ry. Co.....	
Spokane, Couer d'Alene & Palouse Ry. Co.....	
Spokane International Ry.....	
Terminal Railroad Association of St. Louis.....	
Texas & Pacific Ry., the.....	Oregon Trunk Ry.; Oregon Electric Ry. Co.; United Railways Co.
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans.....	
Texas & New Orleans R. R. Co.....	
Tidewater Southern Ry. Co.....	
Tulsa Union Depot Co.....	
Union Railway Co. (Memphis, Tenn.).....	



## APPENDIX B—Continued

## List of carriers in western territory parties to agreement—Con.

Carrier (1)	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1 (2)
Union Pacific R. R.	Eastern district, central district, northwestern district, southwestern district.
Union Terminal Co. (Dallas, Tex.)	
Union Terminal Ry. Co. (St. Joseph, Mo.)	
Wabash Ry. Co.	
Western Pacific R. R. Co., the	
Wichita Union Terminal Ry. Co., the	

NOTE.—Agreement subject to approval of court with respect to lines in the hands of receivers or trustees.

## APPENDIX C

## List of carriers in southeastern territory parties to agreement

Carrier (1)	Properties and operations included in the authorization as part of, and to be considered as part of, the carrier listed in column 1 (2)
Central of Georgia Ry.	
Chesapeake & Ohio Ry.	
Columbus & Greenville	
Illinois Central System	
Macon, Dublin & Savannah	
Norfolk & Western Ry. Co.	
Norfolk Southern Ry. Co.	
Railway Express Agency, Inc.	
Richmond, Fredericksburg & Potomac	
Seaboard Air Lines Ry.	
Travlers & Gulf	
Virginian	

NOTE.—Agreement subject to approval of court with respect to lines in hands of receivers or trustees.

## PERRY'S VICTORY MONUMENT

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 3118) to provide for the creation of the Perry's victory and international peace memorial national monument on Put in Bay, South Bass Island, in the State of Ohio, and for other purposes.

The Clerk read the title of the bill.

Mr. RICH. Mr. Speaker, reserving the right to object, can the gentleman tell us whether this has been approved by the Advisory Board?

Mr. O'CONNOR. I may explain to the gentleman that when the Consent Calendar was last considered a similar House bill was passed, and at that time the gentleman engaged in a colloquy which brought out the fact that it was approved and that there was no expense to the Federal Government involved. Through inadvertence an identical Senate bill at the Speaker's desk was not considered. It was only afterward that we found the Senate bill; and I am merely asking now to consider the Senate bill, which should have been taken up at that time.

Mr. RICH. If the Advisory Board has approved the project, I shall not object.

Mr. O'CONNOR. I so understand.

Mr. BLANTON. And an identical House bill has been passed; is that right?

Mr. O'CONNOR. Yes.

Mr. BLANTON. Then the gentleman will move to lay the House bill on the table?

Mr. O'CONNOR. The House bill is now pending in the Senate, and I will advise them of the action of the House.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to establish by proclamation the following-described Government lands, together with the Perry's Victory Memorial proper, its approaches, retaining walls, and all buildings, structures, and other property thereon, situated in Put in Bay Township, South Bass Island, Ottawa County, Lake Erie, State of Ohio, as the "Perry's Victory and International Peace Memorial National Monument", for the preservation of the historical associations connected therewith, to inculcate the lessons of interna-

tional peace by arbitration and disarmament, and for the benefit and enjoyment of the people: Commencing at the intersection of the middle line of Delaware Avenue and Chapman Avenue, in the village of Put in Bay, and running thence south 83°59' E. in the middle line of said Delaware Avenue, and the same extended 495 feet to Lake Erie; thence north 49°59' E. along said lake shore 346 feet; thence north 43°14' E. along said lake shore 212 feet; thence north 53°13' E. 400 feet along said lake shore; thence north 46°6' W. about 730 feet to Lake Erie; thence southwesterly and westerly along said lake shore to the middle line, extended, of said Chapman Avenue; thence south 1°30' W. along said middle line, and the same extended, about 520 feet to the place of beginning, and containing 14.25 acres of land and known as a part of lots nos. 1 and 2, range south of county road, and a part of lot no. 12, East Point, in South Bass Island, in the township of Put in Bay, county of Ottawa, State of Ohio.

Sec. 2. That the administration, protection, and development of the aforesaid national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916, entitled "An act to establish a National Park Service, and for other purposes", as amended.

Sec. 3. After the said national monument has been established as provided in section 1 hereof, the Secretary of the Interior is hereby authorized to accept donations of land, interests in land, buildings, structures, and other property as may be donated for the extension and improvement of the said national monument, and donations of funds for the purchase and maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States out of any donated funds by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

Sec. 4. The members of the Perry's Victory Memorial Commission created by act of Congress March 3, 1919, having by their patriotic and active interest faithfully conserved for posterity this important historical area and objects, shall hereafter act as a board of advisers, and with such other powers as the Secretary of the Interior may direct, in the maintenance of such national monument and shall consist of the present surviving and active members of the Commission provided for in said act, namely, on the part of the United States, John A. Johnston and Hugh Rodman, and on the part of the several States: Ohio, Webster P. Huntington, Carl B. Johannsen, and A. V. Donahey; Pennsylvania, Milton W. Shreve, Thomas C. Jones, and George M. Mason; Michigan, James E. Degan; Illinois, Chesley R. Perry, William Hale Thompson, and Richard S. Folsom; Wisconsin, Charles B. Perry, A. W. Sanborn, and S. W. Randolph; New York, Charles H. Wiltse and Jacob Schifferdecker; Rhode Island, Harry E. Davis; Kentucky, Samuel M. Wilson, W. J. Moore, and Robert H. Winn: *Provided*, That as vacancies occur in the Commission on the part of the United States, they shall remain unfilled until only one Commissioner of the United States remains; thereafter there shall be only one Commissioner of the United States: *Provided further*, That as vacancies occur in the Commission on the part of the several States they shall remain unfilled until only one Commissioner from each State remains; thereafter there shall be only one Commissioner from each State. After the membership of the Commission has been reduced in accordance with the provisions of this act, vacancies shall be filled in the manner set forth in the act of March 3, 1919. The members of the Commission shall receive no compensation or expenses, except actual traveling expenses incurred in attending meetings of the Commission upon call of the Secretary of the Interior.

Sec. 5. Employees of the Perry's Victory Memorial Commission at the time of the enactment of this legislation may, in the discretion of the Secretary of the Interior, be employed by the National Park Service in the administration, protection and development of said national monument.

Sec. 6. That the provisions of the act of March 3, 1919 (40 Stat. 1322-1324), and acts supplementary thereof and amendatory thereto and all other acts inconsistent with the provisions of this act are repealed to the extent of such inconsistency.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HOUR OF MEETING

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WERNER, for 1 week, on account of official business.

To Mr. MURDOCK, for 10 days, on account of official business.



## EXTENSION OF REMARKS

Mr. CROSSER of Ohio. Mr. Speaker, I have unanimous consent to extend my remarks by including the railroad agreement to which I referred. I now ask unanimous consent that I may extend my remarks in this way notwithstanding the rule of the Joint Committee on Printing which requires the obtaining of an estimate on an extension which covers more than a specified number of pages.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. RICH. Mr. Speaker, reserving the right to object—I do not want to object to anything being printed if it is absolutely necessary to have this tonight.

Mr. CROSSER of Ohio. I may say to the gentleman that the Members are very anxious to get this tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 537. An act for the relief of C. O. Meyer;

S. 920. An act for the relief of Ruth J. Barnes; and

S. 3789. An act authorizing the Secretary of Commerce to convey the Charleston Army Base Terminal to the city of Charleston, S. C.

## ADJOURNMENT

Mr. BANKHEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.), pursuant to the order heretofore made, the House adjourned until tomorrow, Friday, May 22, 1936, at 11 o'clock a. m.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GREENWOOD: Committee on Rules. House Resolution 520. Resolution providing for the consideration of H. R. 12120; without amendment (Rept. No. 2728). Referred to the House Calendar.

Mr. DOXEY: Committee on Agriculture. H. R. 8271. A bill to amend the act entitled "An act to insure adequate supplies of timber and other forest products for the people of the United States, to promote the full use for timber growing and other purposes of forest lands in the United States, including farm wood lots and those abandoned areas not suitable for agricultural production, and to secure the correlation and the most economical conduct of forest research in the Department of Agriculture, through research in reforestation, timber growing, protection, utilization, forest economics, and related subjects, and for other purposes", approved May 22, 1928; without amendment (Rept. No. 2729). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOXEY: Committee on Agriculture. House Joint Resolution 366. Joint resolution providing for the establishment of a game management supply depot and laboratory, and for other purposes; without amendment (Rept. No. 2730). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. S. 3450. An act to regulate the sales of goods in the District of Columbia; with amendment (Rept. No. 2731). Referred to the Committee of the Whole House on the state of the Union.

Mr. SUMNERS of Texas: Committee on the Judiciary. S. 4038. An act to amend an act of Congress approved March 3, 1863, entitled "An act to reorganize the courts in the District of Columbia, and for other purposes"; without amendment (Rept. No. 2732). Referred to the House Calendar.

Mr. RAMSPECK: Committee on the Civil Service. S. 3160. An act to amend the law relating to residence re-

quirements of applicants for examinations before the Civil Service Commission; with amendment (Rept. No. 2733). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. Senate Joint Resolution 38. Joint resolution for the adjustment and settlement of losses sustained by the cooperative marketing associations; with amendment (Rept. No. 2734). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLENBOGEN: A bill (H. R. 12814) to provide for a census of population, occupation, and unemployment, and for other purposes; to the Committee on the Census.

By Mr. BACON: A bill (H. R. 12815) authorizing the transfer of Camp Upton Military Reservation, Long Island, N. Y., to the State of New York for forest demonstration, game conservation and management, and public-park uses; to the Committee on Military Affairs.

By Mr. COFFEE: A bill (H. R. 12816) levying a 10-percent ad-valorem duty upon articles imported from certain countries in default of interest on war debts due the United States; to the Committee on Ways and Means.

By Mr. TERRY: A bill (H. R. 12817) to establish the Arkansas Mounds National Monument of America in Lonoke County, Ark.; to the Committee on the Public Lands.

By Mr. SUMNERS of Texas: A bill (H. R. 12818) to authorize the Attorney General to provide instruction and information on the subject of crime control; to the Committee on the Judiciary.

By Mr. RYAN: Joint resolution (H. J. Res. 593) providing for the sale of postage stamps at places other than the post office or its branches, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GUYER: Joint resolution (H. J. Res. 594) authorizing the Secretary of Agriculture to combat the grasshopper plague in the Kaw Valley in Kansas and making appropriation therefor; to the Committee on Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 12819) granting an increase of pension to Mary E. Pooler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to Henrietta Peavey; to the Committee on Invalid Pensions.

By Mr. ELLENBOGEN: A bill (H. R. 12821) for the relief of Maj. William W. McCaw; to the Committee on Claims.

By Mr. FLETCHER: A bill (H. R. 12822) granting an increase of pension to Rosa E. McEwen; to the Committee on Invalid Pensions.

By Mr. GINGERY: A bill (H. R. 12823) for the relief of Stanley Baker; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 12824) for the relief of the Johnstown Coal & Coke Co.; to the Committee on Claims.

By Mr. MAVERICK (by request): A bill (H. R. 12825) for the relief of Sam Alexander; to the Committee on Military Affairs.

By Mr. McFARLANE: A bill (H. R. 12826) for the relief of James Wilcox; to the Committee on Naval Affairs.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10933. By Mr. BACON: Petition of 10 residents of Long Island, N. Y., urging legalization of lotteries under Federal control; to the Committee on Ways and Means.

10934. By Mr. COLDEN: Resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., on May 7,



1936, urging the establishment of a Federal housing agency and appropriation of necessary funds to enable such agency to aid local public housing agencies to develop low-rent housing programs; to the Committee on Banking and Currency.

10935. By Mr. DARROW: Memorial of the Philadelphia Board of Trade, opposing Senate bill 4174, authorizing the Interstate Commerce Commission to approve or disapprove of the consolidation or abandonment of carrier facilities of public service, etc.; to the Committee on Interstate and Foreign Commerce.

10936. By Mr. HIGGINS of Massachusetts: Resolution by the board of aldermen of the city of Chelsea, Mass., opposing admission to the United States of former President Calles of the Republic of Mexico; to the Committee on Foreign Affairs.

10937. By Mr. JOHNSON of Texas: Memorial of J. Webb Howell, chairman, agricultural committee, and Hon. W. S. Barron, chairman, legislative committee, Bryan-Brazos County Chamber of Commerce, Bryan, Tex., favoring House bill 12498; to the Committee on Agriculture.

10938. By Mr. LUDLOW: Petition of the Boonville (Ind.) Press Club to Members of Congress, urging that recognition be given the work of Hon. William Fortune in connection with the George Rogers Clark Memorial by the placing of a tablet inscribed with his name and his accomplishments in this cause in the memorial building at Vincennes, Ind.; to the Committee on the Library.

10939. By Mr. LUNDEEN: Petition of the Minnesota State Conservation Commission, urging the designation of Birch Coulee State Park in Minnesota as a national cemetery; to the Committee on Public Buildings and Grounds.

10940. By Mr. PLUMLEY: Petition of Lodge No. 717, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, favoring the passage of House bill 11609; to the Committee on Interstate and Foreign Commerce.

10941. By Mr. DEROUEN: Petition of the Church of the Brethren, Roanoke, La., adopted at their 1935 annual conference, regarding war; to the Committee on Finance.

10942. By Mr. SADOWSKI: Petition of the Detroit Community Fund and board of directors of the Detroit Council of Social Agencies, suggesting a long-time relief program; to the Committee on Appropriations.

10943. Also, petition of the Detroit Housing Commission, Detroit, Mich., endorsing the Wagner bill; to the Committee on Banking and Currency.

10944. Also, petition of the Wayne County Council, Veterans of Foreign Wars, Detroit, Mich., protesting against the ruling of the Works Progress Administration perpetrated on veterans; to the Committee on Appropriations.

10945. By Mr. SCOTT: Petition of the Utopia Society of America, requesting Congress to institute an official investigation of the activities of the American Ambassador, Jefferson Caffery, for his lack of protection of the rights of American citizens in Cuba, and for his suppression of the real facts on Cuba; for his support of the bloody Fascist regime of Sergeant Batista; and demand the immediate freedom of thousands of political and social prisoners who are being held in Cuban dungeons; and demand the immediate recall of Jefferson Caffery as Ambassador to Cuba, and substitute a real representative of the American people as his successor; to the Committee on Foreign Affairs.

10946. Also, petition of the Central Labor Council of Alameda County, denouncing the action of officials of the United States Bureau of Reclamation who have required workmen to dry drill in seven silica rock tunnels located near Kenneth, Calif., thereby knowingly exposing these citizen workmen to the identical dust hazards of disease and of death that took its deadly toll in the Gauley Bridge, W. Va., tunnel; to the Committee on Agriculture.

10947. By Mr. TINKHAM: Memorial of the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10948. Also, memorial of the General Court of Massachusetts, relative to affording the privilege of entry into this

country to those persons who are being persecuted and discriminated against in Germany; to the Committee on Immigration and Naturalization.

10949. By Mr. TREADWAY: Resolutions adopted by the General Court of Massachusetts, favoring the permanency of the Civilian Conservation Corps; to the Committee on Appropriations.

10950. Also, resolutions adopted by the General Court of Massachusetts, relative to the entry into this country of certain persons from Germany; to the Committee on Immigration and Naturalization.

## HOUSE OF REPRESENTATIVES

FRIDAY, MAY 22, 1936

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Merciful Father, invisible and yet the Eternal One, Thou art everywhere save in the hearts of Thy wicked children. Thou art in the majesty of the heavens and in the wide-spreading earth, in the beauty of the flower, in the radiance of the sun, and in the mellow light of the stars; may these challenge us to the highlands of thinking and living. Teach us to be conscious of Thy nearness, and so may we never be afraid. We pray that we may greet this new day with newness of joy. Help us to fill these hours with wise thoughts and generous deeds, and thus make human life a little stronger, sweeter, and richer. Inspire us to be brave and earnest to seize the opportunities of these passing days. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 11747. An act extending the time for making the report of the Commission to study the subject of Hernando De Soto's Expedition.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 8455. An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes.

### MEMORIAL TO OFFICERS OF THE IMMIGRATION AND NATURALIZATION SERVICE

Mr. LANHAM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the joint resolution (H. J. Res. 439) authorizing the erection in the Department of Labor Building of a memorial to the officers of the Immigration and Naturalization Service and Immigration and Border Patrol who, while on active duty, lost their lives under heroic or tragic circumstances, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Lines 3 and 4, strike out "Director of Public Buildings and Public Parks of the National Capital" and insert "Director of the National Park Service."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

### THE DISTRICT OF COLUMBIA APPROPRIATION BILL

Mr. BLANTON. Mr. Speaker, I ask leave to proceed for 2 minutes to deny a malicious falsehood that the Washington Post printed about me this morning, stating that I am unfriendly to the President of the United States, when I am as good a friend to the President as he has in this House.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.